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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1602nd meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 3 July 2018, at 10 a.m.

Chair: Ms. Leinarte

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* No summary record was issued for the 1601st meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Australia (CEDAW/C/AUS/8; CEDAW/C/AUS/Q/8; CEDAW/C/AUS/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

2. **Ms. Bergin** (Australia), presenting Australia's eighth periodic report, said that her country would continue to engage with international forums in fulfilment of its commitment to, and leadership in, promoting gender equality in Australia and abroad. The Government's three priorities for gender equality were: to strengthen women's economic security; to increase the number of women in leadership positions; and to ensure that women and their children were safe from violence.

3. Aboriginal and Torres Strait Islander women and girls presented specific challenges as their life pathways tended to differ from those of non-indigenous women and they often took on caring responsibilities at a younger age, disrupting their education and affecting employment prospects. In recent years, the Government had made progress on supporting young indigenous people to attain a year 12 qualification and enrol in higher education, with the greatest improvements seen for young women. Indigenous female students had a higher rate of school attendance than their male counterparts and outperformed boys in literacy, mathematics and science. In 2017, the Government had set aside more than 40 million Australian dollars ($A) for a girls' science, technology, engineering and mathematics (STEM) scholarship fund and other activities specific to women and girls under an education package commemorating the fiftieth anniversary of the landmark 1967 referendum on constitutional amendments relating to indigenous Australians. Further ways to improve the lives of indigenous women and girls included the national "Women's Voices" project and "Closing the Gap" framework, aimed at overcoming disadvantage experienced by indigenous people.

4. Following her 2017 visit, the Special Rapporteur on violence against women, its causes and consequences had stated that the "Closing the Gap" campaign did not apply a gender lens. In response, the Government was working with state and territory governments and local communities on a new framework, targets and performance indicators to refresh the "Closing the Gap" agenda, which would be ready by October 2018.

5. Further to the information provided in the report on the National Plan to Reduce Violence against Women and their Children 2010–2022, a third three-year action plan for the period 2016–2019 under the National Plan had been launched, designed to have a positive effect on attitudes, beliefs and social norms in order to confront controlling, aggressive and violent behaviour and advance gender equality. Early planning to develop the fourth action plan for the period 2019–2022 had begun. Broad consultations on that plan would begin in 2018. Aboriginal and Torres Strait Islander women, migrant and refugee women and women with disabilities were disproportionately affected by domestic, family and sexual violence and would be prioritized in the plan. Significant funding had been put in place by Australian federal, state and territory governments, and the recent establishment of the Office of the eSafety Commissioner and eSafety Women, a platform designed to help women to manage technology risks, had been noted with appreciation by the Special Rapporteur.

6. The Committee had previously recommended that Australia should take appropriate legislative measures to criminalize, prosecute and respond to domestic violence. Accordingly, in May 2017, the Council of Attorneys-General Family Violence Working Group had been formed to improve the interaction between family law, child protection and family violence systems. In November 2017 the National Domestic Violence Order Scheme had come into effect, which was a significant step towards protecting families as they built new lives, safe and free from violence. The Committee had also urged Australia to adopt measures to combat sexual harassment at work, which continued to affect Australian workplaces. The Australian Human Rights Commission would conduct a national inquiry

into sexual harassment in Australian workplaces, to be led by Australia's Sex Discrimination Commissioner.

7. Regarding women's financial security, the Government was taking steps to bridge the gender pay gap, which continued to favour men in every industry and at all occupational levels. Individual solutions were not possible: all stakeholders — government, business and the community — must take action jointly to find a remedy. The government strategy to boost women's workforce participation addressed five pertinent areas, including: ensuring affordable child care; improving workplace diversity and flexibility; supporting women entrepreneurs; strengthening women's economic security; and enhancing financial incentives to work. Progress had been made in increasing the number of women in leadership roles, with 27.7 per cent of board positions in the 200 largest companies listed on the Australian Stock Exchange being held by women, up from 15.8 per cent five years previously. The Government itself had set a target of 50 per cent of government board positions to be held by women, with a minimum of 40 per cent of women on each individual board. At the end of 2017, 44.5 government board positions were held by women. In 2018, the Australian Public Service, the country's federal civil service, had achieved gender parity in its highest ranks, with 9 out of 18 Commonwealth agency heads being women. The Workplace Gender Equality Act 2012, which had a reporting requirement for all businesses of over 100 employees, had resulted in the collection of extensive data, which was collated by the Workplace Gender Equality Agency and which showed continuing momentum and progress towards gender equality. The Agency had also established an "Employer of Choice for Gender Equality" citation to encourage gender equality in the workplace.

Articles 1 to 6

8. **Ms. Schultz** (Switzerland) said that many of the Committee's 2010 recommendations had not been implemented. Noting that the absence in Australia of a bill of rights or national human rights act affected women more than men, she asked whether Australia was ready to incorporate the provisions of the human rights treaties it had ratified into its national legislation, as the Australian Human Rights Commission had recommended in its national human rights consultation report in 2009. She wished to know if the Government intended to follow the Australian Human Rights Commission proposals made under the 2015 universal periodic review and improve the effectiveness of the Sex Discrimination Act 1984 and whether there was a time frame for doing so. The Parliamentary Joint Committee on Human Rights required reinforcement so that it could carry out its function of assessing the level of compliance of Australian legislation with the country's human rights obligations. She asked whether the Government intended to strengthen the Committee accordingly.

9. Regarding the legal situation of indigenous peoples, she asked: whether the Government would ensure recognition of indigenous people in the Constitution and abrogate its section 51 (xxvi), commonly known as the "race power" article, empowering Parliament to make special laws with respect to people of any race; whether the Government would engage in true dialogue towards indigenous self-determination, with equal participation by women in all negotiations leading to a treaty or other agreement on self-determination, providing the required community-led services and guaranteeing sufficient funding for the National Congress; and whether the Government was ready to implement the recommendations of the 1996 Australian Law Reform Commission report on the recognition of Aboriginal customary laws, especially in respect of family issues, custody of children, resolution of conflicts and sentencing.

10. On the issue of women asylum seekers and refugees, she wished to know: whether the Government would cease offshore processing on Nauru and, if so, by when; what measures would be taken to combat violence, including sexual violence, against women there, and to put a stop to the impunity of perpetrators of such violence; whether the Government would accept refugees without visas arriving by boat to Australia, rather than continuing to send them to Nauru, or would seek a third State to accept them. She also asked whether the Government intended to review the refugee assessment process to ensure full compliance with international humanitarian law, including for lesbians, bisexual

women, transgender and intersex persons, whose sexual orientation or gender identity exposed them to risks in their home countries, whether the Government would cease its practice of intercepting vessels carrying refugees and asylum seekers on the high seas, which prevented the proper examination of claims for asylum, and whether the Government would reconsider the cuts to the budget of the Status Resolution Support Services programme, which threatened to deprive large numbers of refugees of basic assistance.

11. **Ms. Haidar**, said that, according to international analysts, in 2017 Australia had not reached the objective of holding the increase in the global average temperature to 2°C, in line with the Paris Agreement, much less pursuing efforts to limit the temperature increase to 1.5°C. Given the foreseeable impact that climate change would have on women's rights, she asked whether the Government intended to strengthen its emission reduction goals, in compliance with the Paris Agreement. The Committee was concerned at the harmful effects of the Australian extraction industry activities in Papua New Guinea, in particular the ExxonMobile gas production operations in the country. The Government had failed to learn the lessons taught by the 10-year civil war in Bougainville, Papua New Guinea, and she invited it to establish good practices to prevent discrimination, exclusion and marginalization of women, armed conflict and high levels of gender-based violence against women in the region. She wished to know whether Australia would fulfil its responsibility to provide compensation to the women and people of Bougainville for the deaths, disappearances, environmental damage and loss of livelihood caused by the decade-long civil war in the 1990s, which had been triggered by tensions over an Australian-owned copper mine. She also wished to know what measures Australia would take to ensure a more ethical approach to ongoing and future extraction industry projects, which should include compliance with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.

12. With reference to points raised under the 2015 universal periodic review, she asked whether the Government would consider establishing an inquiry to examine how to reduce the barriers to judicial remedies in Australia for foreign victims of human rights abuses by Australian companies abroad and whether the Government could ensure that victims of corporate human rights abuses had access to an independent, transparent, accountable and adequately resourced non-judicial body for the investigation and resolution of complaints and the provision of effective remedies.

13. **Ms. Haddad** (Australia) said that her country had long been at the forefront in terms of establishing and protecting human rights. The right to equality and freedom from discrimination were provided for in legislation, policies and programmes at the federal, state and territorial levels. Federal anti-discrimination legislation, which included the Sex Discrimination Act of 1984, details of which were provided in paragraphs 2.2–2.8 of her country's periodic report, outlawed discrimination against women, prohibited discrimination on the grounds of sexual orientation, relationship status and family responsibilities and applied to all Australian jurisdictions. Several amendments to the Act had been made since 2011, including to ensure equal protection from gender-based discrimination for women and men, introduce breastfeeding discrimination as a separate form of discrimination and allow same-sex marriages. The Government had no plans to introduce a national human rights act or bill of rights, since the existing anti-discrimination legislation combined with the Human Rights (Parliamentary Scrutiny) Act of 2011, which had been introduced to ensure that bills before Parliament were consistent with the country's human rights obligations, already provided for the effective protection of human rights.

14. **Ms. Bergin** (Australia) said that the implementation of the Sex Discrimination Act, which covered both direct and indirect discrimination, was also considered to be effective. Moreover, the recent amendments demonstrated the Government's willingness to continuously review the Act to ensure that its provisions reflected the social reality of the country. While the Act promoted the principle of equality between women and men, it also provided for certain exemptions, such as for religious bodies or for services that were provided only to members of one sex. It was not, for example, considered to be unlawful sex discrimination against a man to grant a right or privilege to a woman in connection with pregnancy or childbirth.

15. **Ms. Haddad** (Australia) said that, in line with the Government's policy to regularly review its international commitments, including reservations to human rights treaties, efforts were currently being taken to identify what, if any, legislative steps were necessary in order to comply with article 11 (2) (b) of the Convention, concerning paid maternity leave. The reservation to article 11 (1) (b) and (c), regarding the exclusion of women from combat roles, was no longer consistent with Australian policy; there had been no gender restrictions on combat roles in the Australian Defence Force since January 2016. A bill to amend the Sex Discrimination Act to remove women's exclusion from combat roles would be brought before the Senate in September 2018. Once passed, steps would then be taken to withdraw the reservation concerned.

16. **Ms. Lannen** (Australia) said that the recognition of indigenous peoples in the Constitution was a national priority. The Government was committed to changing the Constitution in that regard, although such proposals needed to be approved first by Parliament and then by public referendum. A parliamentary select committee on constitutional recognition relating to Aboriginal and Torres Strait Islander peoples had been established to identify and recommend appropriate constitutional amendments, taking account of the needs of indigenous peoples and garnering parliamentary and public support for the proposed changes. The Committee was due to submit its final report in that regard in November 2018.

17. **Ms. Haddad** (Australia) said that funding for the Parliamentary Joint Committee on Human Rights, which was responsible for examining bills before Parliament to ensure their compatibility with the country's human rights obligations, came from the parliamentary budget. Thus, no separate funding was provided. Every effort was made to ensure that the Committee was able to examine each and every bill before Parliament, although it was not always possible. In general, the Committee submitted its recommendations in the form of a report, which was subsequently discussed by ministers. Regarding climate change, Australia was a party to various international agreements, including the Paris Agreement. The country had achieved its first target under the Kyoto Protocol and was on track to meet its 2020 target. It was also on course to fulfil its 2030 target under the Agreement, namely to halve per capita emissions and obtain a two-thirds reduction in emissions intensity, targets that were some of the most ambitious set by parties to that accord. Regarding extractive industries and the regulation of extraterritorial activities, Australia provided various types of support to Papua New Guinea, including development assistance, which placed a priority on gender issues and sought to ensure that women were involved in the negotiation of agreements for extraction projects. The Government expected all companies involved in extraterritorial activities to abide by the relevant laws and best practices and was working with companies to manage the impact and revenues of extractive processes in Papua New Guinea.

18. **Ms. Schulz** said that, since Australia was the only Western country not to have a national human rights act or bill of rights, she failed to understand how the State party could claim to be at the forefront of human rights protection. She would appreciate replies to several questions previously raised, including as to whether there were plans to: amend the Sex Discrimination Act to tackle systemic and intersectional discrimination; engage in a real dialogue with the country's indigenous peoples regarding self-determination; take measures to protect women and girl asylum seekers; and end the practice of detaining asylum seekers offshore at the Nauru Regional Processing Centre.

19. **Ms. Haidar** said that, despite the State party's commitment to international climate change agreements, the fact was that it produced 1.4 per cent of global greenhouse gas emissions and yet was home to just 0.3 per cent of the world's population. She was concerned that the impact of those emissions would be felt most notably by several of the small island States neighbouring Australia. Moreover, the State party's stringent migration policy did not seem to take account of the possible influx of environmental refugees. Thus, more needed to be done to mitigate the effects of climate change. Regarding the extractive industry in Papua New Guinea, she wished to know whether gender analyses and impact assessments were conducted before such works could commence and what lessons had been learned since the Bougainville conflict of the 1990s. The monitoring of similar projects, such as the large Papua New Guinea liquid natural gas project, was simply not

enough; reports suggested that conflict among landowners in the region affected was already escalating. She would be interested to know what specific measures were being taken to avert the further deterioration of the situation. Lastly, noting that budget cuts had been made in a number of areas, she asked how the Government balanced austerity measures with the need to mobilize greater resources in the context of the 2030 Agenda for Sustainable Development.

20. **Ms. Halperin-Kaddari** said that, according to the report of the Government's own Productivity Commission inquiry into access to justice arrangements, major budget cuts to legal aid services had disproportionately affected women's and indigenous peoples' access to justice. She wished to know what action the Government had taken to implement the findings of the Commission, in particular regarding the recommendation to increase funding for legal assistance services by $A 200 million.

21. **Mr. McGlynn** (Australia) said that his country's migration policy was based on the concept of safe, orderly and regular migration. Between 2008 and 2013, however, more than 50,000 people had made the perilous journey on unauthorized boats to Australia, with some 1,200 drowning in the attempt. To prevent further loss of life and irregular migration, Operation Sovereign Borders had been introduced in 2013. All policies relating to Operation Sovereign Borders, including the use of regional processing centres and boat turnbacks, had been devised in line with the country's international obligations, including the principle of non-refoulement. The Government had made it clear that persons intercepted at sea would not be settled in Australia while their claims were assessed. Robust arrangements were in place, however, to ensure that the treatment of those persons was consistent with international standards. For example, the Status Resolution Support Services programme provided comprehensive support to non-citizens who were unable to support themselves while their immigration status was being resolved. The programme not only provided basic services, such as accommodation and health care, but also access to education for children and English classes for adults. Regarding the questions raised concerning climate change, in the face of extreme weather events such as storms, Australia had developed a significant humanitarian programme that ranked as one of the best in the world. The region had long been affected by such events and Australia had traditionally been a good neighbour to affected States through its humanitarian efforts.

22. **Ms. Stratford** (Australia), referring to the offshore processing in Nauru of refugees and asylum seekers, said that, during the process of screening irregular migrants and asylum seekers, individuals had the opportunity to disclose any reasons why they should not be transferred to another country, which included a particular country's treatment of sexual minorities. If verified, the minister concerned was then able to intervene to prevent the transfer. Under a memorandum of understanding signed in 2013, Nauru had committed to treating women and girls in its processing centre in accordance with international standards. Moreover, Nauru was a party to the Convention and to other international human rights conventions. Responsibility for meeting those obligations was therefore a matter for Nauru; as things stood, the Australian Government had no plans to review the current process. There were no regional processing centres in Papua New Guinea.

23. **Ms. Schulz** said that, while the State party clearly held its international obligations in high regard, she was concerned that it seemed unreceptive to recommendations, made time and again, to abolish certain aspects of its asylum policy that were at variance with international humanitarian law. The State party's current approach was putting women and girl asylum seekers at risk.

24. **Ms. Haidar** said that humanitarian aid could not undo all the damage caused by the increase in greenhouse gas emissions or mitigate the impact of climate change on vulnerable small island States. Australia had a responsibility to provide greater help to those at-risk nations.

25. **Ms. Verges**, regarding article 3 of the Convention, said that she wished to know what measures the State party had taken to strengthen the authority of, and ensure adequate human and financial resources for, the Office for Women, which was part of the national machinery for the advancement of women. Given its limited number of staff, she wondered to what extent the Office was able to fulfil its mandate to advance gender equality at the

federal, state and territorial levels and ensure a coordinated approach to gender policy across all government departments. She would also like to know whether any evaluation of the work of the Office had been conducted.

26. She was concerned at reports that the Australian Human Rights Commission had faced severe budget cuts and that its former President had been criticized by high-level officials. Moreover, in the light of the fact that the Commission was currently unable to bring cases ex officio and that its recommendations were not binding, she asked what measures had been taken or were envisaged to ensure that it had the independence, authority and resources it required to fulfil its mandate.

27. **Ms. Hayashi**, recalling that the Committee had expressed concern in the previous concluding observations (CEDAW/C/AUS/CO/7) that the State party did not favour the adoption of temporary special measures in the form of compulsory targets and quotas to address the underrepresentation of women, said she wondered how such measures were designed within the constitutional and legal framework and what accounted for the Government's cautious approach to such measures. She asked whether time frames were in place for the attainment of targets set under such measures and whether penalties were imposed where such targets were not reached. She also asked whether special measures had been adopted in the areas of health care, education and the judiciary. She would like further information on the new guidelines on special measures in employment to improve women's economic security.

28. **Ms. Bergin** (Australia) said that the Office for Women had been relocated from the Department of Social Services to the Department of the Prime Minister and Cabinet, thereby enabling the Office to play a more central role in policymaking throughout the government and to assess the impact of a wider array of policy proposals on women's and gender issues. The Office was working with governmental agencies to address the issue of domestic violence, women's safety and economic empowerment, and the obstacles to women's participation in the country's economic and political life. The Office also worked with the various state and territory offices on initiatives, such as the formulation of the fourth action plan relating to violence against women. A working group under the Office had been established to share best practices with other offices, identify challenges and determine further action. The Office worked to ensure that the relevant policies were implemented at the ministerial level. It cooperated closely with state and territory governments, civil society and non-governmental organizations (NGOs), and a number of government-funded national women's alliances to hear the voices of women and exchange views. Despite current budget constraints, the Office had worked with other government agencies to ensure that it had as great an impact on policy as possible with the funding available to it.

29. The annual budget of the Australian Human Rights Commission was currently more than $A 22 million, over $A 16 million of which came from government funds, which was an increase of over $A 6 million compared with the previous financial year. The Government and the Commission had been working to improve relations and restore confidence. While the relationship had been under significant strain, the Government had not sought to terminate the appointment of any member of the Commission. The Commission had adequate resources to discharge its functions. The Government had provided additional funding, for example, to the Sex Discrimination Commissioner to conduct inquiries into harassment in the workplace.

30. Turning to the issue of temporary special measures to ensure that women were fairly represented, she said that the target set by the Government to ensure women's representation on government boards, to take one example, had been increased to 50 per cent, following the achievement of the 40 per cent target. While no time frame had been set in that regard, the gender units of government departments such as the Department of Foreign Affairs and Trade were required to review all board nominations to ensure that there were enough women candidates. Five departments had surpassed the 50 per cent target and others were close to meeting it. The Government was also close to achieving the target set by the Group of 20 (G-20) in 2014 to reduce the gender gap in workforce participation from 12.1 per cent to 9.1 per cent. She took issue with the assertion that the Government was cautious about temporary special measures. By way of example of her

Government's bold approach to the use of such measures, the federal police had recently launched a first-ever nationwide women-only recruitment drive.

31. **Ms. Hayashi** asked whether the scholarships in STEM subjects awarded under the indigenous education package referred to in the opening statement were available exclusively to indigenous women and girls. She wished to know what measures had been taken to reduce the gender gap in labour force participation rates by 25 per cent by 2025, as agreed by G-20 leaders under G-20 presidency of Australia in 2014.

32. **Ms. Verges** said that in view of the challenges relating to policy coordination, faced by all states and territories, priority should be given to the development of overarching objectives, which should be monitored by the Office for Women to prevent discrepancies between the states and territories. She wondered if the tense relations between the Government and the Office for Women reflected a reluctance to accept the independence of the Office.

33. **Ms. Schulz** said that current draft legislation before Parliament seemed to threaten to undermine the thriving debates in civil society and government transparency in Australia, namely a bill on whistle-blowers and a bill on foreign funding for charities. She would appreciate it if the delegation could explain how it reconciled those bills with the stated commitment of the Government to freedom of expression and the protection of human rights defenders. She asked why, according to reports, funding had been cut for advocacy activities for NGOs, thus silencing the voices of those who dealt with the most vulnerable groups of women and girls in society.

34. **Ms. Lannen** (Australia) said that $A 25 million had been invested in the establishment of the STEM scholarship fund for girls, which was part of a broader government priority to attract more women to those fields of study.

35. **Ms. Bergin** (Australia) said that a range of initiatives had been introduced to foster the participation of all women and girls — not exclusively indigenous women and girls — in science, technology, engineering and mathematics. A number of such activities had been introduced under the previous budget, including the development of a strategy and plan for women in science, and the establishment of the "Curious Minds" mentoring programme for girls aged 14 to 16. Under the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015, all agencies were required to report on the programmes they funded and their performance, in accordance with the international obligations assumed by Australia.

36. **Ms. Haddad** (Australia) said that the election funding and disclosure reform bill would not have an impact on the overseas work of humanitarian and development non-governmental organizations, which was highly valued by the Government. Under the proposed legislation, Australian charities would still be entitled to receive foreign donations to support international humanitarian work overseas and undertake advocacy work in the country with Australian funding. The Government was currently considering the recommendations of the Joint Standing Committee on Electoral Matters on the bill.

37. **Mr. McGlynn** (Australia) said that the Government upheld the advocacy rights of NGOs and provided funding to a number of such organizations, including those involved in policy and programme development and review, despite the overall cuts to government funding. However, limited funds meant that priority was given to delivery of frontline services. The National Partnership Agreement on Legal Assistance Services 2015–2020, for example, ensured that government funding was provided for legal aid for the most vulnerable segments of the population and could not be allocated for advocacy in other sectors. The Not-for-Profit Sector Freedom to Advocate Act 2013 prohibited Commonwealth agreements from restricting or preventing not-for-profit entities from commenting on, advocating support for or opposing changes to Commonwealth law. In the same vein, a law had been passed in South Australia protecting the right of not-for-profit entities to comment on or oppose changes to state law. Furthermore, certain charities had been endorsed as deductible gift recipients, thereby enabling them, under taxation law, to receive income tax deductible donations from private donors.

38. **Ms. Verges** asked what targeted measures had been adopted or were envisaged to address stereotypes in society. She asked how policies and strategies for women and indigenous peoples took into account particularly vulnerable populations, such as Muslim women who wore a veil, asylum seekers, and lesbian, gay, bisexual, transgender and intersex persons, in order to facilitate their access to essential services. She said she wished to know what measures were in place to ensure funding for the accommodation of girls who had been subjected to harmful practices, particularly forced and early marriage; and what strategies were envisaged to identify the risk of those practices and provide training in that regard to all relevant State authorities. In view of the absence of convictions for forced marriage, despite the significant number of cases that had come before the courts since 2013, she would like to know what mechanisms had been developed to identify cases of forced marriage. Given the absence of data on female genital mutilation, which nevertheless existed in the country, she asked what data-collection mechanisms would be set up and what legislative measures had been established to combat that harmful practice. She asked what accounted for the storage of records of female genital mutilation in private case files and the failure to criminally prosecute those cases.

39. **Ms. Halperin-Kaddari** asked, in the light of the alarmingly high number of cases of domestic violence and the ineffectiveness of Government-led initiatives to address such violence, why the Government refused to develop a unified federal law to combat violence against women, as had been recommended by the Committee and other international treaty bodies. She asked how women could be expected to gain a clear understanding of the law on violence against women when the numerous legal frameworks in place set out different penalties for and definitions of such violence. She wondered, for example, whether stalking was covered and what punishment was in place for breaching a protection order. In such a context, how could a strong message be sent across law enforcement agencies, the judiciary and society that violence against women constituted a grave violation of women's rights? She asked whether it did not fall within the Government's constitutional powers to formulate laws to give effect to international treaties. She asked when the national data collection and reporting framework to address the lack of data on domestic violence would be up and running and why it was taking so long to establish. A gender-neutral approach had resulted in the disappearance of women-only and women-led services for women victims of violence, which were internationally acknowledged to be effective. She asked whether the Government intended to review that approach and study its impact on women's safety and welfare. She asked whether specific training was carried out for judicial officials on gender-based violence against women, not only domestic violence, and on gender and the law; and whether the judicial training programmes in place were compulsory for all judges.

40. **Ms. Acar** asked what percentage of women were harassed by men and what percentage of men were harassed by women in the workplace.

41. **Ms. Jahan** asked what action had been taken to investigate, prosecute and punish acts of human trafficking. She also wished to know what steps had been taken to introduce a comprehensive federal compensation scheme for victims of trafficking offences, especially women and children, and raise awareness of their rights. It would be particularly interesting to hear what efforts had been made to delink support for victims of trafficking from the criminal justice process and improve the visa system so that victims had at least 90 days for reflection and recovery. Information on the training provided to the police and the judiciary on the identification of victims of trafficking, the steps taken to raise awareness of trafficking among vulnerable populations, and the number of shelters available to victims of trafficking would also be welcome. Noting the introduction of the national strategy to combat human trafficking and slavery, she asked what steps had been taken to adopt legislation to combat modern slavery and slavery-like practices. Regarding the legalization of sex work, she wished to know what efforts had been made to ensure the de facto decriminalization of women engaged in sex work and guarantee their access to health care and legal services. It would also be interesting to know what measures had been adopted to discourage women and prevent girls from turning to prostitution and what strategies had been put in place to address the demand for prostitution and support women wishing to escape it.

42. **Ms. Stratford** (Australia) said that the Government had introduced various education and awareness-raising programmes, including the "Stop It at the Start" campaign to combat negative gender stereotypes, promote gender equality and foster healthy, respectful relationships. Strenuous efforts had also been made to eliminate traditional harmful practices and tackle violence against women and children, including through the implementation of national anti-domestic violence measures and the launch of the "Our Watch" plan. Additional support had also been made available to combat violence against Aboriginal and Torres Strait Islander women.

43. The definition of family and domestic violence contained in the Family Law Act had been broadened to include examples such as sexual assault, sexually abusive behaviour and stalking. The Government had also begun a study into the prevalence of female genital mutilation to collect more detailed data and gain a better insight into the problem. Regarding sexual harassment, the 2017 Australian Human Rights Commission study conducted at universities across the country had found that 71 per cent of acts of sexual harassment and 83 per cent of acts of sexual assault had been committed by men.

44. **Mr. McGlynn** (Australia) said that concerted action had been taken to prevent and eliminate modern slavery and slavery-like practices. The Interdepartmental Committee on Human Trafficking and Slavery reported annually to the Government and regular multi-stakeholder round tables on human rights had been held to review the Government's response to those types of crime. Some $A 1.246 million had been allocated to the Support for Trafficked People Programme which provided housing, legal and medical support to victims. Funding of $A 5.3 million had also been made available to NGOs working with victims of trafficking with a view to bolstering their outreach and support activities in that area.

45. The Commonwealth Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013 provided for the protection of vulnerable witnesses giving evidence in criminal proceedings, including victims of human trafficking and slavery. Victims of trafficking had the right to seek compensation under various state and territory schemes and were eligible to apply for statutory compensation under the national compensation scheme for victims of crime.

46. **Ms. Halperin-Kaddari** asked what efforts had been made to adopt a federal domestic violence act. She also wished to know whether training on gender-based violence against women, particularly within the family, had been provided to family court judges. Further clarification of the decision taken to abandon women-only support services in favour of gender-neutral services, including shelters and safe houses, would be particularly welcome in that context.

47. **Ms. Jahan** said that she would like further information regarding the role played by NGOs working to support victims of forced marriage during the criminal justice process. She also wished to know what action had been taken to combat forced prostitution and gender-based violence involving refugee women held in offshore processing centres and the efforts made to investigate, prosecute and punish those offences. Lastly, she wondered what steps had been taken to bring to justice Australian nationals who had joined Islamic State in Iraq and the Levant and had subjected women to sexual slavery.

48. **Ms. Schulz** asked what steps had been taken to collect disaggregated data on persons with disabilities. In the light of the reportedly high levels of violence and abuse against persons with disabilities living in institutional and residential settings, she wondered why the State party had rejected calls to establish a royal commission into the matter. It would be particularly interesting to learn what measures had been taken to prohibit the involuntary sterilization of women and girls with disabilities and prevent forced abortions, including information on whether redress had been provided to those affected.

49. **Ms. Verges** asked whether specific programmes had been introduced to combat negative gender stereotypes of indigenous women and women from ethnic minorities. Noting that forced marriage had been defined as an offence since 2013, she wished to know why no convictions had been handed down in recent cases of forced marriage brought before the courts.

50. **Mr. McGlynn** (Australia) said that the Human Trafficking Visa Framework provided for victims of trafficking to remain in Australia for an initial period of 45 days to rest and recover. That arrangement could subsequently be extended for a further 45 days to enable the victims to assist in the criminal justice process. The "criminal justice stay" and "witness protection (trafficking)" visas previously granted in such cases were now called "referred stay visas" so as to remove the stigma previously faced by victims of trafficking holding such visas. The visa eligibility threshold had also been lowered to make the application process more accessible. Between 2016 and 2017, some 20 referred stay visas had been granted, including 8 to victims of trafficking and 12 to their immediate family members.

51. The offshore processing centre in Nauru remained the only facility housing women and children. Residents had the right to come and go as they wished. Since the centre was located within Nauruan sovereign territory, it fell outside of Australian jurisdiction. Nonetheless, the Australian Government had signed a memorandum of understanding with the Nauruan authorities in 2013 to support the implementation of the regional processing arrangements.

52. Legalized sex work was regulated by the states and territories. Some states had implemented licensing schemes for sex workers. Various educational, health and employment support programmes had also been made available for women wishing to leave prostitution.

53. **Ms. Haddad** (Australia) said that states and territories assumed responsibility for criminal justice proceedings involving victims of domestic and gender-based violence. The adoption of a federal domestic violence act would consequently be incompatible with the current system of government. In-depth consultations with the Council of Australian Governments would need to be undertaken before any action could be taken in that regard.

54. **Ms. Stratford** (Australia) said that the Government had launched several schemes to tackle violence and abuse against persons with disabilities in institutional and residential settings, including the introduction of the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework. The Government therefore considered it unnecessary to establish a royal commission on the subject.

55. The Framework provided a harmonized approach to the treatment of persons with disabilities which facilitated the detection of and strengthened the response to cases of violence, abuse and neglect. The NDIS Quality and Safeguards Commission had been established to uphold the provisions of the Framework and would promote the rights of persons with disabilities to physical integrity and reproductive health services.

56. Sterilization procedures could only occur with the express consent of the patient, or the authorization of the court or guardianship tribunal in the case of persons declared legally incapable. The Australian Senate Committee had conducted an in-depth inquiry into the involuntary or coerced sterilization of persons with disabilities and intersex persons and had published its findings. The Government did not propose any changes to the existing arrangements.

57. While there had been no convictions handed down in cases of forced marriage to date, there had been two convictions for acts of female genital mutilation. The Government had made additional funding available to the state of Victoria — where the majority of forced marriages had occurred — to establish a housing programme for women and girls at risk or victims of early or forced marriage. A 12-month pilot project had also been introduced to dissociate the support provided to victims of trafficking from the criminal justice process. The Government would evaluate the success of the pilot and decide on the appropriate course of action accordingly.

58. **Ms. Bergin** (Australia) said that the delegation would provide further replies to the Committee's questions in writing.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1603

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Seventieth session

Summary record of the 1603rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 3 July 2018, at 3 p.m.

Chair: Ms. Leinarte

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Eighth periodic report of Australia (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Australia (*continued*) (CEDAW/C/AUS/8; CEDAW/C/AUS/Q/8; and CEDAW/C/AUS/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Hayashi**, noting that the proportions of women members of the House of Representatives and the Senate were relatively low for a highly developed country such as Australia, said that she wished to know whether the Government would consider introducing a quota to ensure that at least 40 per cent of public offices were held by women. In view of the fact that the two largest political parties had committed themselves to ensuring that 50 per cent of their parliamentary representatives would be women by 2025, she asked whether the Government would consider urging the parties to set a more ambitious target. It would be interesting to learn whether sanctions would be used to tackle gender inequality among political representatives at the federal, state and municipal levels. The Committee wished to know whether any targeted support had been provided to ensure that women with disabilities and lesbian, bisexual, transgender or intersex women were represented in public life. Noting that problems such as harassment, sexism and intimidation discouraged women from entering politics, she asked what measures were being taken to make that sphere more attractive to women. Lastly, she asked whether ongoing and sufficient funding would be provided to the National Congress of Australia's First Peoples.

3. **Ms. Nadaraia** said that, according to alternative sources, the births of nearly one in five indigenous children under 16 years of age in Western Australia were unregistered while the births of 70 per cent of indigenous children aged between 2 and 4 years in Queensland were unregistered. Some children whose births had been registered did not have birth certificates as their parents or guardians were unable to complete the necessary paperwork or pay the requisite fee. Parents who did not register their children's births within 60 days were required to pay a fine of 1,000 Australian dollars ($A). In view of that situation, she asked whether support would be provided to enable states and territories to launch registration campaigns, increase the issuance of birth certificates and waive the fees associated with such certificates for persons on low incomes. Lastly, she asked what strategies and programmes had been implemented to reduce all barriers to birth registration.

4. **Ms. Kidd** (Australia) said that targets, rather than quotas, were currently being used to address the issue of the underrepresentation of women in Parliament. Targets had proved to be effective and were more widely accepted than quotas. Women role models, including the current Foreign Minister and the Minister for Defence, served to demonstrate to young girls that women could enjoy a political career at the highest level. A childcare centre had been established at Parliament House in Canberra. Women Members of Parliament who wished to breastfeed their children were able to do so in parliamentary chambers and there had been instances of that occurring.

5. **Ms. Bergin** (Australia) said that the current Minister for Women was one of the first women to have given birth while holding a ministerial position. The Minister had launched a fund to support women members of her party who aimed to stand for election.

6. **Ms. Lannen** (Australia) said that, as at April 2018, the National Congress of Australia's First Peoples had almost 9,000 individual members and 180 member organizations. The Government was working with the Congress in areas related to the "Closing the Gap Refresh" initiative and was carrying out follow-up work on behalf of the Redfern Statement Alliance. Some $A 3 million had been allocated to support the work of the Congress over a period of three years.

7. **Mr. McGlynn** (Australia) said that birth registration was free of charge in Australia and registration rates were high overall. Although the proportion of children whose births were not registered was unknown, figures indicated that Aboriginal Australians and Torres Strait Islanders took significantly longer than other citizens to register the births of their children. In order to reduce barriers to birth registration, steps had been taken to promote cooperation with health authorities, issue notification forms, follow up with parents when registration did not occur, establish outreach programmes aimed at remote communities, implement mobile registration services and distribute awareness-raising materials. In line with the non-discriminatory approach to the issuance of birth certificates, parents on low incomes in a number of states and territories could apply to have the fee waived.

8. **Ms. Schulz** said that she wished to know to what extent women had been or were involved in the development of the second Australian national action plan on women, peace and security; whether and how women would be associated with the implementation, monitoring and evaluation of the Plan, including in respect of the links between the national and international levels of the women and peace and security agenda; whether women were consulted on the funding available for its implementation at the national and international levels; and whether they were consulted on the Government's new defence strategy, which aimed to make Australia the world's tenth largest exporter of arms.

9. Noting that an Australian senator had recently been the target of slurs relating to her sexuality, and that women parliamentarians were sometimes demeaned by references to their appearance or sexuality, she asked what steps were being taken to ensure that women could work in politics without having to endure discriminatory comments and attitudes.

10. **Ms. Bergin** (Australia) said that the second Australian national action plan on women, peace and security would be launched in July 2019. The process of drafting the plan, which was being developed in collaboration with the Department of Defence and the Department of Foreign Affairs and Trade, involved wide-ranging consultation and engagement with civil society. In that regard, round-table discussions had been held with women from all sectors of society, including those who had experienced conflict situations and representatives of different cultural and linguistic groups. The new plan would have a strong focus on monitoring and evaluation and would take into account the disproportionate impact of conflict on women and the ways in which they could play an active role in conflict resolution and prevention. The Government had clearly stated that it was committed to funding the new plan. The Prime Minister had stated that he would consider the possibility of implementing a ministerial code of conduct to ensure that women did not suffer abuse or discrimination in Parliament.

11. **Ms. Stratford** (Australia) said that, as Parliament was a workplace like any other, it was not surprising that there were unacceptable levels of sexual harassment there. The inquiry into sexual harassment in the workplace that was being conducted by the Australian Human Rights Commission would provide the Government with important insights into the steps that needed to be taken to tackle the issue in Parliament and all other workplaces.

Articles 10 to 14

12. **Ms. Gbedemah**, noting that different states and territories had initiated innovative measures to increase rates of school enrolment among girls from disadvantaged groups, said that she wished to know whether representatives of such groups were systematically included in the development, implementation and evaluation of the measures. She asked how the "Connected Beginnings" programme to eliminate disparities in access to education would be funded if the recommendations arising from the evaluation of that programme indicated that it should be extended to cover all indigenous communities. Noting that, under the new childcare subsidy scheme launched by the Government, mothers would lose the right to subsidies unless they were engaged in professional activity, she asked whether the scheme would undermine access to early childhood education and whether the Government would regularly review the new initiatives and adapt them in accordance with its findings. In view of the fact that data on indigenous peoples and persons with disabilities were sometimes missing from the annexes to the report, she urged the State party to improve its data-collection processes in line with the recommendation made by the Committee in the concluding observations issued to the State party in 2006 (CEDAW/C/AUL/CO/5, para. 5).

13. She wondered whether the Government would increase the number of staff delivering education services to indigenous communities in order to promote their sense of empowerment. The Committee would be interested to learn whether the science, technology, engineering and mathematics (STEM) academy for girls had actually been established and whether specific measures had been implemented to increase the participation of indigenous girls and women in those fields of study.

14. Noting that indigenous children were often subjected to discriminatory stereotyping, she asked whether school textbooks had been audited to ensure that they accurately reflected the culture and way of life of the Aboriginal peoples before colonization took place and whether teaching in schools took into account their cultural aspirations and right to land. She wished to know how gender stereotypes were addressed in the school curriculum and what subjects were studied by girls undertaking technical and vocational training. In view of the fact that budget cuts had been imposed on vocational education and training, she asked what plans were in place to redevelop that sector, particularly with regard to training aimed at women in shelters, asylum seekers, refugees, financially abused women and indigenous women.

15. She wondered whether the Safe Schools Coalition Australia would be reinstated in order to ensure that schools were safe and inclusive places for lesbian, bisexual, transgender and intersex students. The Committee would welcome further information on the effect of poor housing conditions on indigenous peoples and the way in which such conditions restricted their access to education. What steps were being taken to ensure that persons with disabilities had access to the education system? Noting that the Australian Human Rights Commission had conducted research into the issues of pornography and sexual harassment in the education system, she would appreciate information on the outcome of that research and asked whether guidelines on the reporting of sexual harassment in schools had been fully implemented. The Committee would also be interested to learn what steps were being taken to ensure that pregnant girls were not expelled from school. In the light of the fact that the Government had lowered the income threshold above which graduates were required to repay student loans, she asked whether a gender-analysis study of the impact of the lowered threshold had been carried out and what measures would be taken to mitigate the effects of the new threshold and ensure that it did not adversely affect the access to education of older women and women on low incomes.

16. **Mr. Bergby**, noting that the gender pay gap had stood at over 15 per cent for the previous two decades, said that he wished to know what measures were being taken to enforce the principle of equal pay for work of equal value and whether concrete measures would be adopted to narrow or eliminate the gender pay gap. He asked why the gender pay gap was worse in Western Australia than in South Australia and why it was particularly acute in the financial and insurance industries. In view of the fact that occupational segregation on gender lines accounted for 30 per cent of the current gender pay gap, he said that the Committee would welcome further information on the outcome of measures taken to ensure equal access for women to all areas of the labour market.

17. The Committee would welcome further information on the outcomes of the 2013 amendment to the Fair Work Act, which had been intended to ensure that flexible working arrangements were made more widely available. Noting that there was no mechanism to ensure that the amendment in question was enforced, he asked when the Government would establish an enforceable right to request flexible working arrangements and whether employees would be able to file appeals against denials of such requests.

18. He wondered whether steps would be taken to increase paid parental leave to 26 weeks and to ensure that the supporting parent could take at least 4 weeks of paid leave, in accordance with the recommendation made by the Australian Human Rights Commission. Paid parental leave was equal to the national minimum wage regardless of income, which was clearly not enough to care for a child. He therefore wished to know whether the Government envisaged requiring an increase in the level of paid leave to match an employee's current income and providing superannuation entitlements as part of such leave.

19. Noting that participation in the labour market was much lower among women belonging to disadvantaged groups than their male counterparts and persons outside those groups, he asked whether there was a time frame for the implementation of the recommendations contained in the national inquiry into employment discrimination against older Australians and Australians with disabilities ("Willing to Work" report) of the Australian Human Rights Commission. He suggested that the Government should considering adopting a comprehensive national employment framework that included targets, performance indicators and time frames for increasing the participation of women belonging to vulnerable groups in the workforce.

20. He asked whether the Sex Discrimination Act would be amended to include a general prohibition of sexual harassment in all areas of public life, whether employers would be required to take all reasonable steps to prevent sexual harassment in the workplace and whether steps would be taken to ensure that victims of sexual harassment would have effective access to redress. Given that many women were not eligible to receive superannuation entitlements because their income was too low to qualify for them, he asked whether the Government would consider taking steps to ensure that all workers, irrespective of their income, were covered under superannuation schemes.

21. **Ms. Narain**, noting that health care in Australia was provided through both the public and private sectors, said that she would welcome further information on the services available through each sector and the difference in the quality of care provided by public and private health-care providers, including differences in waiting times. In view of the fact that the Australian National Breastfeeding Strategy 2010–2015 had ended in 2015, she would be grateful for further information on the outcomes of the Strategy and whether plans were in place to establish a new similar strategy throughout the country. The Committee would welcome further information on any findings relating to the stigma surrounding breastfeeding and any measures taken to ensure that breastfeeding was accepted by the public. Noting that screening for breast and bowel cancer was free of charge, she wondered why the same did not apply to screening for cervical cancer and whether such screening was available to women with high-risk factors who were outside the target age group of 50 to 74 years.

22. Although the Committee was aware that the legality of abortion was determined at the state and territorial level, it wished to remind the State party that the Government was responsible for complying with international conventions that Australia had ratified, including the Convention on the Elimination of All Forms of Discrimination against Women. In the report arising from its inquiry into the non-availability of abortion services in Northern Ireland (CEDAW/C/OP.8/GBR/1), the Committee had concluded that the unequal access of women to abortion services could not be justified by the fact that the issue of abortion had been devolved to the administrations of Scotland, Wales and Northern Ireland. In view of that situation, the Committee wished to know whether the governments of the Australian states in which abortion was illegal planned to undertake a review of the relevant provisions of their criminal law and what steps would be taken to establish safe access zones around abortion clinics and ensure that abortion was not only fully decriminalized but also available and affordable throughout the country.

23. The Committee would welcome further information on mental health problems among women and any studies analysing the reasons behind the higher rates of mental health problems among women. She asked what steps were being taken to break down the stigma associated with mental health issues, to create an environment in which women of all kinds felt accepted and to put an end to the sense of marginalization that often gave rise to mental health problems among women and young people. She asked whether the Government would ensure that there was sufficient funding for mental health services and that persons with disabilities had equal access to health-care services. It would be interesting to learn what measures would be taken to reduce discrimination against lesbian, bisexual, transgender, intersex and queer women and to tackle the mental health problems that they suffered as a result. What specialized services were available to assist vulnerable women who were struggling with mental health problems?

24. Noting that indigenous women had a lower average life expectancy than non-indigenous women, she asked what measures were being taken to close such gaps and to

address differences in socioeconomic status and other factors that contributed to them. What measures would be taken to reduce the high maternal mortality rate among indigenous women?

25. Lastly, she asked whether the health-care services available to asylum seekers in Nauru were provided on a temporary or permanent basis, how such services were funded, whether the funding was sustainable and how the Government ensured that asylum seekers had access to abortion services. In view of the fact that the Government of Australia had a legal duty of care for women and girl asylum seekers in Nauru, she asked why vulnerable women and girls were transferred from Nauru to Papua New Guinea and Taiwan for medical treatment and not to Australia. Was the health care provided in Papua New Guinea and Taiwan of the same standard as that received by refugees or asylum seekers in Australia?

26. **Ms. Lannen** (Australia) said that approximately $A 10 million had made available every year since July 2016 to support early childhood, maternal and child health and family support services for Aboriginal and Torres Strait Islander children as part of the "Connected Beginnings" programme. A number of indices were used to determine the most disadvantaged areas to which the funds would be allocated. The programme was currently being run at nine locations and the Department of Education and Training, the Department of Social Services and the Department of the Prime Minister and Cabinet were working to extend the programme to other areas across the country. An impact assessment was currently under way, the results and recommendations of which were expected by the end of the 2018/19 financial year.

27. **Ms. Kidd** (Australia) said that funding for education was allocated with a view to achieving equality and overcoming disadvantage. Where particular needs were identified, such as in schools with indigenous students or children with disabilities, funding was adjusted and additional programmes were implemented. Turning to gender stereotypes in schools, she said that a range of programmes was in place to encourage girls to pursue STEM careers. The programmes included mentoring, where people in jobs not normally associated with their gender were presented as role models, scholarships and internships and programmes that targeted students from indigenous and rural communities. The STEM academy for girls that had been announced was not yet up and running. State and territorial governments provided support to pregnant adolescents and childcare or alternative learning arrangements were available to encourage them to remain in school.

28. **Ms. Stratford** (Australia) said that the Government supported anti-bullying initiatives, including the "Bullying. No way!" website and the National Day of Action against Bullying and Violence, and provided general assistance to students, parents and educators in that regard. The Safe Schools Coalition Australia now fell under the responsibility of individual schools and the states and territories. Although there were regional disparities in terms of the level of implementation, the initiative had been widely taken up across the country. In Victoria, for example, the state government had issued clear guidelines on ensuring the safety of lesbian, gay, bisexual, transgender and intersex students.

29. **Ms. Bergin** (Australia) said that, while the gender pay gap remained stubbornly wide, the Government was making efforts to tackle the problem, which included focusing on the education of women and girls and also ensuring employees' access to flexible working arrangements.

30. **Ms. Kidd** (Australia) said that occupational segregation was a major factor in the gender pay gap, since men held more positions in prestigious and highly paid industries than women. The Government had a solid accountability framework and strategy with which to meet its commitment to reduce the pay gap by 25 per cent before 2025. Disparities in pay were a reflection of the occupational mix in various parts of the country. For example, a key industry in Western Australia was mining, which was dominated by men in well-paid positions.

31. The Fair Work Act 2009 set out a number of specific circumstances in which employers were required to offer flexible working arrangements. Many employees entered into agreements with their employers on an informal basis.

32. **Ms. Stratford** (Australia) said that employees with 12 months' continuous service with their employer were entitled to 12 months of unpaid parental leave after the birth or adoption of their child. After that period, employees were guaranteed the right to return to their former position. Leave could be shared between parents or carers. The Government had no plans to change the current paid parental leave or "Dad and Partner Pay" schemes.

33. **Ms. Bergin** (Australia) said that the private health system complemented the public system. Those with private health insurance had access to their own private doctor in hospital rather than having a doctor assigned to them. However, because the same doctors treated both public and private patients, the level of the care was similar for all patients. Long waiting times for treatment remained a problem owing to increasing demand and budget limitations.

34. **Ms. Stratford** (Australia) said that the fifth National Mental Health and Suicide Prevention Plan recognized the unique needs of lesbian, gay, bisexual, transgender and intersex persons. Furthermore, the Department of Health funded a range of programmes that specifically targeted such persons and contributed financially to the National LGBTI Health Alliance, which provided telephone and online support services.

35. **Ms. Bergin** (Australia) said that her Government recognized that the country fell significantly short of the World Health Organization (WHO) target in terms of breastfeeding. Only 15 per cent of mothers exclusively breastfed their children in the first five months after birth, compared to the target of 50 per cent in the first six months set by WHO. Maternity nurses in hospitals and nurses providing postnatal care encouraged mothers to breastfeed.

36. **Ms. Lannen** (Australia) said that the progress made in meeting the "Closing the Gap" health targets included improvements in the early detection and management of chronic disease and a reduction of blindness and visual impairment among Aboriginal and Torres Islander communities. The implementation plans for the National Aboriginal and Torres Strait Islander Health Plan 2013–2023 presented an opportunity to work with communities and state and territory governments to address the health issues affecting the mortality rate. Mechanisms would be put in place at the local level, which had proved more effective in the past than national responses.

37. **Ms. Stratford** (Australia) said that the national disability insurance scheme provided services tailored to the needs of persons with profound disabilities. Access to mental health services was granted as part of the scheme where it was deemed appropriate for the persons concerned. However, decisions concerning the funding and management of broader community mental health services were a matter for the state and territorial authorities.

38. **Mr. McGlynn** (Australia) said that the Australian Government supported the Government of Nauru in providing health-care services to refugees, asylum seekers and other migrants. The services included primary care clinics staffed by nurses, doctors, psychologists and counsellors and emergency and psychiatric care. Those services were administered to patients free of charge.

39. **Ms. Haidar** said that Australia, despite having one of the lowest tax rates among the Organization for Economic Cooperation and Development (OECD) member countries, had cut spending on social protection and services by billions of dollars. The cuts had adversely affected almost 3 million people who lived in poverty, a significant number of whom were women. For example, a reduction in benefits applied to single mothers of children under the age of 16 had been extended to mothers of children under 8, and single mothers required confirmation from a third party that they were not in a relationship to be eligible for single parent benefits. She wondered how the Government reconciled those cuts in expenditure with its commitment under the Sustainable Development Goals not to leave anyone behind. She also wished to know whether the Government intended to analyse the gender impact of the aforementioned policies and whether the State party would be willing to reinstate priority access to care centres for children at risk. She was concerned over reports that 190,000 households were on the waiting list for social housing, which posed a problem for women trying to leave violent partners and low-income parents, that the number of homeless women aged over 55 was increasing and that more than one in five families with

children faced food insecurity. She invited the delegation to comment on the measures adopted to address those concerns.

40. **Ms. Acosta Vargas** said that social policy and investment to assist indigenous women had fallen short of expectations, as the report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia (A/HRC/36/46/Add.2) had noted. In addition to the problems that those women faced in terms of food and housing insecurity, their children were more likely to be taken into care by the child protection system, partly owing to the absence of effective and sustainable public policies to improve living conditions for those women. She would appreciate information on the urgent measures that might be taken to lower the proportion of children of indigenous mothers who were taken into State institutions or private care.

41. It would be useful to know what measures were in place to guarantee the rights of indigenous women to access land and what legal mechanisms existed to process their land claims. She would be interested to hear what action had been taken to guarantee the right to access water, especially in the light of complaints concerning polluted rivers, and whether the knowledge of indigenous women regarding water and water management was explicitly recognized.

42. Concerning the outcome of the Government's extensive efforts to eliminate domestic and sexual violence against indigenous women, she wished to know what the most effective aspects of the third action plan had been in terms of addressing the historical causes of those types of violence. Did indigenous women have access to effective prevention, protection and precautionary measures when they feel threatened in their homes? She would be glad to hear whether women professionals from indigenous communities were recruited to agencies responsible for protecting women against domestic and sexual violence and whether assistance was given in indigenous languages to guarantee access to justice. Indigenous women continued to face systematic socioeconomic discrimination in spite of the myriad of programmes in place, and she wondered what obstacles prevented the "Closing the Gap" programme from achieving its objectives.

43. According to her information, indigenous women accounted for approximately 30 per cent of the prison population, compared to 3 per cent of the population as a whole. It would be useful to know what the main reasons for that imbalance were and what the outcome of the National Indigenous Law and Justice Framework 2009–2015 had been. She would be interested to know what measures had been adopted to punish acts of sexual violence committed by guards in places of detention and whether the State party applied the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

44. **Ms. Bergin** (Australia) said that the country had faced significant budget constraints since the 2008 financial crisis. One of the objectives of the current Government was to reduce the budget deficit incurred over the previous 10 years and to return to a surplus by 2021. To that end, all areas of government expenditure had been reviewed and the eligibility criteria for benefits had been tightened as a result.

45. **Ms. Stratford** (Australia) said that a series of measures had been adopted to mitigate the impact of the considerable cuts made to community grants in 2015 and to fill gaps in funding. New grants had been introduced to address specific areas of need within communities. Regular assessments were conducted to determine where the need for investment was greatest.

46. Responsibility for housing was shared between the Commonwealth Federal Government and the different state and territorial governments. The Commonwealth Federal Government provided more than $A 6 billion annually in housing and homelessness assistance through a number of national partnerships and programmes, such as the National Affordable Housing Agreement and the Transitional National Partnership Agreement on Homelessness. State and territorial governments had likewise launched a number of programmes to promote access to housing and to address homelessness, including 10-year housing plans, social housing initiatives, rental assistance schemes and shared equity schemes for low and medium wage earners.

47. **Ms. Bergin** (Australia) said that the issue of increased homelessness among older persons was addressed in the Transitional National Partnership Agreement on Homelessness. A working group had also been set up to examine the issue.

48. **Ms. Lannen** (Australia) said that the Government of the Commonwealth of Australia and the state and territorial governments had adopted a series of measures to guarantee food security in remote rural areas. The majority of communities living in such areas had access to a community store.

49. The Government and the state and territorial governments were responsible for setting national water policy and guaranteeing the water supply, respectively, and provided communities living in remote rural areas with assistance in times of drought. Most states and territories had a combination of publicly and privately owned water companies. Steps were being taken to resolve the water quality issues identified in certain regions and drinking water was being delivered to affected communities.

50. The large number of Aboriginal and Torres Strait Islander women in detention was a particular cause for concern in certain territories. Under the Indigenous Advancement Strategy, the Government planned to invest more than $A 1 billion over four years in programmes and services targeting indigenous communities. Those programmes were serving to improve community safety and to address the factors driving the current trend by focusing on juvenile crime prevention. Indigenous women deprived of their liberty could now access an employment placement service prior to and following their release. Alcohol and drug treatment services, community mediation services and domestic violence prevention services were also being rolled out in indigenous communities.

51. **Ms. Gbedemah** asked how the "Connected Beginnings" programme would be funded if a recommendation was made to extend it at the conclusion of the ongoing impact assessment and whether the Safe Schools Coalition Australia programmes that had been discontinued would be replaced by similar anti-bullying programmes for lesbian, gay, bisexual, transgender, queer and intersex students. It was her understanding that, in certain states and territories, teenage girls who fell pregnant were still expelled as a matter of course. She asked whether the State party had considered reviewing the existing policy in the states and territories concerned. The State party might wish to refer to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education in that connection. It would also be useful to know whether a gender impact assessment had been conducted either before or after the education budget had been cut and how students with disabilities were guaranteed access to inclusive education.

52. She asked whether the Australian Human Rights Commission's findings on the prevalence of sexual harassment had been duly disseminated and what sanctions were imposed on perpetrators. It would also be helpful to receive statistical data on the subjects studied by indigenous women and girls and to know whether the history of the First Nations was taught in schools in a way that empowered students belonging to those communities.

53. **Mr. Bergby** said it was regrettable that the State party had no plans to extend paid parental leave for women or their partners. He asked how the State party encouraged both men and women to take advantage of flexible working arrangements and part-time work. It was high time that the State party reviewed its superannuation policy, which continued to discriminate against a large number of women. The State party might also consider conducting a gender impact assessment of that policy. According to a 2014 survey, a large proportion of women in Australia had been discriminated against by their employer when pregnant or upon returning to work or on account of family responsibilities. Furthermore, one in five mothers had reportedly been made redundant owing to pregnancy and family responsibilities. He asked how the State party intended to remedy that situation.

54. **Ms. Haidar** said that she failed to understand how the State party could have approved income tax cuts amounting to $A 144 billion over 10 years and yet claim that it did not have sufficient resources to invest in essential services. The State party must reconcile the two issues if it wished to advance women's rights in its national territory. She asked how the State party planned to bridge the huge gender gap in retirement savings, which was a cause of homelessness among older women.

55. **Ms. Acosta Vargas** asked how many indigenous women were employed by the State party's law enforcement and judicial authorities and the extent to which indigenous language services were available in the justice system. She also wished to know whether the State party had considered amending its criminal legislation so that women who had committed only minor offences were not deprived of their liberty. The delegation might also indicate whether those prison guards who had committed acts of sexual violence against women in detention had been prosecuted and punished. It would also be useful to know whether the Bangkok Rules were applied in places of deprivation of liberty in Australia.

56. **Ms. Schulz** asked whether the State party had considered abolishing the practice of strip-searching indigenous women in detention and whether it intended to review the situation of women with mental disabilities in detention. Noting that homelessness among older women had increased by some 30 per cent since 2011, she asked what practical measures the State party envisaged taking to curb that trend and to provide older women with adequate housing and accommodation.

57. **Ms. Lannen** (Australia) said that the report of the impact assessment of the "Connected Beginnings" programme would inform the funding decisions to be taken during the next budget cycle.

58. **Ms. Stratford** (Australia) said that the "Bullying. No Way!" website and the Kids Helpline served as substitutes for discontinued Safe Schools Coalition Australia programmes. In addition, each state and territory had its own anti-bullying programmes, family and relationship support services and counselling services for young people. However, not all of those initiatives catered specifically to lesbian, gay, bisexual, transgender, queer and intersex students. Referrals could be made if necessary.

59. **Ms. Bergin** (Australia) said that it was generally accepted that teenage girls who fell pregnant should not be expelled. There was an expectation that schools would provide new mothers with the support necessary for them to resume their studies and to take care of their newborn children. The delegation was unable to respond to the question on whether the education cuts had been the subject of a gender impact assessment at that time. Although the delegation could not provide statistical data on the subjects studied by indigenous women and girls, it was her understanding that the majority chose to study subjects in fields that were traditionally female dominated.

60. It was hoped that the findings of the national inquiry into sexual harassment in Australian workplaces would assist the Government in finding practical ways to overcome the stigma often attached to reporting sexual harassment in the workplace and in identifying and amending labour legislation and workplace guidelines.

61. The fact that more women than men availed themselves of flexible working arrangements and engaged in part-time work had likely exacerbated the gender pay gap and retirement income gap. The Office for Women was searching for ways to effect cultural change and to encourage more men to become caregivers. There were, however, a number of companies that actively encouraged both men and women to take advantage of flexible working arrangements and that were willing to supplement women's retirement income.

62. States and territories were responsible for determining the legality of abortion and regulating access to abortion services. Unlawful abortion was prohibited in all states and territories without exception. The cost of having an abortion was covered by Medicare provided that a doctor determined the procedure to be appropriate. However, women living in more remote states and territories would likely have to travel to access abortion services.

63. **Ms. Stratford** (Australia) said that the Transitional National Partnership Agreement on Homelessness specifically targeted older persons, women and children affected by violence and indigenous women. The Commonwealth Federal Government was working with state and territorial governments to determine where available funding should be invested.

64. **Ms. Lannen** (Australia) said that, although the delegation was unable to provide statistical data on the number of indigenous women working for the Australian law enforcement authorities, in certain states and territories, Aboriginal and Torres Strait

Islander liaison officers facilitated contact and communication between law enforcement officers and local indigenous communities. More often than not, liaison officers communicated with members of those communities in their own language. Publications were also issued in indigenous languages in certain states and territories.

65. **Ms. Kidd** (Australia) said that students with disabilities could attend regular classes in mainstream schools with additional support, or special classes in mainstream schools or special schools. State and territorial education authorities could provide additional support to students with disabilities and their parents and carers if necessary. The Disability Standards for Education helped educators understand and comply with their obligations under the Disability Discrimination Act. As part of its school reform initiative, the Government planned to invest an additional $22 billion in education for students with disabilities between 2018 and 2027.

Articles 15 and 16

66. **Ms. Halperin-Kaddari** said that she had been struck by the considerable gap between Australian family law and practice and the apparent inability of women in general to assert their legal rights and to protect themselves and their children from violence. Perhaps the most pressing issue was the continued failure of the Family Court of Australia, which tended to favour shared parenting, to take account of risk factors such as the existence of domestic violence when granting joint custody. A further cause for concern was the advent of men's rights groups and their undue influence on family law and litigation. It was her understanding that the unproven theories and toxic ideologies propounded by such groups had gained traction in the Family Court of Australia and could influence child custody proceedings. As a result, women were routinely discouraged from raising concerns about the existence of domestic violence and child abuse in case they themselves were accused of committing such acts and ended up losing custody of their children. She asked whether the State party viewed the tendency for the Family Court of Australia to favour shared parenting by default as a concern and whether it envisaged reviewing that position or updating the risk factors that should be taken into account in determining child custody arrangements to include all forms of domestic violence. She also wished to know whether it had examined the impact of parental alienation syndrome and other forms of psychological manipulation used by men to turn children against their mother. Had the State party considered training law enforcement and judicial officers to detect the use of such tactics?

67. It was a fact that women who lacked the means to assert their property rights following a separation or divorce were often those who wound up homeless or destitute. In Australia, the lack of legal aid for women involved in divorce disputes effectively deprived them of legal protection. Many States had acknowledged that a man's refusal to grant his wife a religious divorce amounted to gender-based violence and abuse. Noting that the Family Law Council had, as early as 2001, published a report containing recommendations concerning religious divorce, she asked why the State party had failed to act on them. Lastly, the delegation might explain the decision to merge the Family Court and the Federal Circuit Court in 2019 before the Australian Law Reform Commission's report on the review of the family law system had even been published.

68. **Ms. Bergin** (Australia) said that, under Australian law, there was no presumption that one parent was better suited to exercise parental responsibility than the other. However, that presumption could change if the existence of domestic or family violence was established. The amendment of the definition of family violence to include different types of harmful behaviour had changed the way in which the parenting orders made by courts about parenting arrangements for a child were formulated. Similarly, the bill to improve the family law system's response to domestic or family violence would introduce measures to enhance the Family Court's ability to protect victims and to streamline legal processes. The bill would likely be discussed at the next sitting of Parliament.

69. The National Domestic and Family Violence Bench Book had been developed to train judicial officers handling cases involving those phenomena. A new training course on the nature and dynamics of family violence would be launched in the near future.

Regrettably, she was unable to comment on the upcoming merger of the Family Court and the Federal Circuit Court.

70. **Ms. Stratford** (Australia) said that the Family Law Act did not regulate religious divorces. A married couple who divorced under the Family Law Act would technically still be married under religious or cultural norms. To amend the Family Law Act to regulate the dissolution of religious marriages would change the nature of divorce and create unintended civil law consequences. It was an Australian legal tradition that civil and religious law were and should remain separate.

71. **Ms. Halperin-Kaddari**, noting that persons who wished to change their gender faced onerous legal barriers and were subject to stringent conditions, asked what steps the State party had taken or envisaged taking to guarantee the legal recognition of gender based on the principle of self-identification.

72. **Ms. Schulz** said it was regrettable that the delegation could not explain the reasons for the proposed merger of the Family Court and the Federal Circuit Court. She failed to understand why the decision could not have been made once the Law Reform Commission's report had been published.

73. **Ms. Bergin** (Australia) said that the Government was working to guarantee the legal recognition of gender based on the principle of self-identification across Australia. It had taken up the recommendations made by the Australian Human Rights Commission to the effect that all organizations must make provision for non-binary gender identities in data-collection forms.

74. She thanked the Committee for the fruitful dialogue, for the care with which it had examined all the information provided to it and for its valuable insights. Notwithstanding the challenges encountered, Australia would continue in its efforts to reduce gender inequality and to advance women's rights.

75. **The Chair** thanked the delegation for the constructive dialogue, which had given the Committee a greater insight into the situation of women in Australia.

The meeting rose at 5.20 p.m.

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Held at the Palais des Nations, Geneva, on Wednesday, 4 July 2018, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Cyprus (CEDAW/C/CYP/8; CEDAW/C/CYP/Q/8 and CEDAW/C/CYP/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*

2. **Ms. Koursoumba** (Cyprus), introducing her country's eighth periodic report (CEDAW/C/CYP/8), said that, despite the impact of the global economic crisis, Cyprus had made considerable progress during the reporting period in the promotion of gender equality and women's empowerment. A number of national action plans, policies and strategies had been implemented, several new laws tackling gender inequality had been enacted and various independent equality bodies had been established or strengthened. The country's first national action plan to implement Security Council resolution 1325 (2000) on women and peace and security was currently being finalized by the National Machinery for Women's Rights, which was also involved in family law reform and implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which Cyprus had ratified in 2017.

3. The adoption of the Strategic Action Plan on Gender Equality for the period 2014–2017 had been a significant achievement. Developed in cooperation with the Commissioner for Gender Equality, non-governmental organizations (NGOs) and women's organizations, the Plan had been designed to promote the implementation of the Committee's previous concluding observations (CEDAW/C/CYP/CO/6-7) and addressed six priority areas, including the equal representation of women and men in decision-making posts, violence against women and the elimination of gender stereotypes. A 2017 evaluation of the Plan had revealed major progress in women's employment, economic empowerment and other areas, but little change in women's political participation and portrayal in the media.

4. Cyprus was committed to addressing the situation of vulnerable groups of women, including asylum seekers, single mothers and lesbian, bisexual, transgender and intersex women. For example, legislation had been introduced in 2015 that enabled couples to enter into civil partnerships, irrespective of gender; granted unmarried partners the same rights as married couples; and provided single-parent families, which were often headed by women, with additional financial support. A bill to establish a clear, simplified procedure for correcting the registered sex of transgender individuals, thus promoting their right to self-determination, was also in the pipeline. For asylum seekers, a mechanism had been set up to facilitate the early identification of women's specific needs, and women officers and interpreters had been trained to examine applications from women asylum seekers.

5. In the area of employment, several initiatives had been introduced to aid women's integration into the labour market, foster a balance between family and professional life and close the gender pay gap. Indeed, the pay gap had decreased significantly, from around 17 per cent in 2010 to just under 14 per cent in 2016, and the downtrend was expected to continue. The Criminal Code had been amended in March 2018 to safeguard the right of nursing mothers to breastfeed in public places, and new legislation had been adopted that upheld fathers' right to two weeks' paid paternity leave.

6. To prevent and combat violence against women, the authorities had carried out awareness-raising campaigns and had increased support for victims, while working to encourage case reporting and improve data collection. To give full effect to the Istanbul Convention, a bill criminalizing harassment and stalking had been submitted to parliament, and a second bill outlawing all forms of violence against women was being drafted. The Government had provided funding to support a 24-hour NGO-run helpline for victims of domestic and gender-based violence and there were plans to establish two shelters and a multidisciplinary victim support centre. In addition, the national police had developed training programmes, manuals and guidelines to increase the sensitivity, awareness and professionalism of officers who handled cases of domestic violence.

7. Cyprus had placed an emphasis on combating trafficking in persons, with the result that the country had been upgraded to Tier 1 in the United States Department of State Trafficking in Persons Report 2018. In particular, the Government had enacted relevant new legislation, implemented related national action plans, increased awareness-raising activities and strengthened the police unit responsible for combating human trafficking. As a consequence, several cases of trafficking had been successfully prosecuted.

8. Efforts had been made to increase women's participation in public and political life, including through information campaigns, liaison with political parties and media organizations, and the exchange of good practices at conferences and seminars. However, although women occupied a number of high-level posts, including as the Minister for Labour, Welfare and Social Insurance and the Chair of the Securities and Exchange Commission, women remained seriously underrepresented in decision-making and business leadership roles as well as in elected office. As a result, the use of temporary special measures, such as quotas on candidate lists, was being considered.

9. Key developments in the area of health had included the decriminalization of abortion, permitting women to access terminations up to the twelfth week of pregnancy; the implementation of a number of plans and programmes to ensure women's access to health; and the introduction of a national plan aimed at minimizing the effects of the economic crisis on the provision of public health care, in particular for vulnerable groups.

10. Family law reforms were also under way, with a number of bills being tabled to modernize the legislation and harmonize it with international and European human rights conventions. The new laws included measures to protect the family home, by preventing one spouse from disposing of it without the other's consent, and to facilitate access to information on spousal property for the purpose of calculating alimony. Research on the economic consequences of divorce had been undertaken in that connection, and the findings had been used to shape the draft National Action Plan on Gender Equality for the period 2018–2021, which placed an emphasis on protecting vulnerable groups of women.

11. Notwithstanding the significant positive developments that had occurred, traditional perceptions of gender roles and gender stereotypes continued to restrict the achievement of de facto equality between women and men. Cyprus was determined to intensify its efforts to eliminate those attitudes and to address the multiple forms of discrimination faced by vulnerable groups of women. In view of the global economic crisis, the country's greatest challenge was to ensure the resources necessary to support the national machinery and further develop gender-equality programmes. The Government recognized, however, that gender equality was not an economic burden; it was a prerequisite for social development and growth.

Articles 1 to 6

12. **Ms. Ameline** said that, since around a third of the country was not under the Government's control, owing to the island's continued partition, she wished to know whether any impact assessment of the situation of Cypriot women living in occupied areas had been conducted and whether any progress had been made towards resolving the ongoing conflict. She noted that the Supreme Court had ruled the use of certain quotas, or temporary special measures, for the advancement of women to be unconstitutional, and that the State party lacked comprehensive anti-discrimination legislation, which would help in tackling multiple and intersecting forms of discrimination. Further information on those points would therefore be welcome. She wondered whether there were plans to strengthen the role and increase the resources of the Commissioner for Administration and Human Rights in order to ensure that the institution had the power to investigate and refer cases of discrimination. She would also like to know whether the Parliamentary Committee on Human Rights and Equal Opportunities for Men and Women had been involved in drafting the periodic report and whether it would participate in the implementation of the Committee's forthcoming concluding observations. In that connection, she would be interested to hear what measures would be taken to raise awareness of the Committee's recommendations among civil society. Lastly, she asked what action had been taken to combat corruption and tax evasion; what steps had been taken towards achieving the targets of the Sustainable Development Goals, especially those concerning women's rights; what

mechanisms were in place to facilitate the integration of migrants and refugees; and whether the European Union was providing enough support to deal with the influx of asylum seekers to the island.

13. **Ms. Rana** asked what was being done to promote equality between men and women by enabling women's full and meaningful participation at decision-making levels of the formal peace process; to ensure that a gender-sensitive approach was adopted in all negotiations and incorporated in all settlement agreements; and to raise awareness of Security Council resolution 1325 (2000) and related issues. She would like to know the current status of the first national action plan to implement Security Council resolution 1325 (2000), covering the period 2018–2021; the time frame for its adoption and implementation, given that it was already mid-2018; the resources that would be made available to ensure its effective implementation; the body that would be responsible for implementation; the role that women's groups would play; the number of women involved in the peace process; and the positions they held. The use of rape as a weapon of war and the lack of cooperation between police and other security forces were matters of particular concern that impeded the enjoyment of human rights, especially in the north of the country. She would therefore like information on efforts to ensure that women's rights were upheld throughout the island and that any protection gaps were minimized.

14. **Ms. Koursoumba** (Cyprus) said that, because the Government was unable to exercise effective control over the northern part of the island, it did not have access to accurate information about the human rights situation in the occupied areas and was not in a position to take remedial action. However, all documented Cypriot citizens who came from the north of the island were able to exercise their rights on an equal footing with other citizens in the south.

15. International instruments, including the Convention, were incorporated into and took precedence over national law. The provisions of the Convention were thus both invoked and upheld by the courts, so ensuring protection for women. The Constitution expressly prohibited direct and indirect discrimination and listed multiple prohibited grounds, in line with the Convention. As a Member State of the European Union, Cyprus was also bound to harmonize its laws with European Union instruments, and specific provisions relating to discrimination against women had therefore been transposed into national law.

16. The Government acknowledged that the Commissioner for Administration and Human Rights, as the national human rights institution, should be brought fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and the institution was expected to make the changes necessary to achieve "A" status accreditation. Although the economic crisis had brought funding cuts across all sectors, the Commissioner had not been adversely affected. However, there was no consensus as to the possibility of awarding it additional resources.

17. The Committee's 2013 concluding observations had been submitted to parliament, had been translated into Greek, had been disseminated among all government agencies and civil society organizations, and had served as input for the drafting of the National Action Plan on Gender Equality 2018–2021. Upon finalization of the draft, the Parliamentary Committee on Human Rights and Equal Opportunities for Men and Women had met with representatives of the Ministry of Justice and Public Order to consider the Plan's content and verify that it would serve to promote implementation of the concluding observations. The same procedure would be followed in the preparation of future action plans, thereby guaranteeing the implementation of future recommendations from the Committee.

18. **Ms.** Niki **Andreou** (Cyprus) said that the national action plan to implement Security Council resolution 1325 (2000), which had been drafted by the Commissioner for Gender Equality and an independent expert, in cooperation with the Ministry of Foreign Affairs, was subject to ongoing consultation with women's groups and other civil society organizations, led by the National Machinery for Women's Rights. It would be submitted to parliament once those consultations were concluded and should be adopted by the end of August 2018. Funding to support peacebuilding efforts and implementation of the national action plan had already been allocated to women's organizations and other relevant bodies. All other plan-related activities would likewise be covered by Government resources.

19. **Ms. Voskaridou** (Cyprus) said that the Aliens and Immigration Unit reviewed asylum applications to identify special needs and vulnerable persons and took a gender-sensitive approach to asylum decisions. Training on how to identify asylum seekers and refugees who were victims of torture and trafficking had been organized for officers of the Asylum Service.

20. **Ms.** Niki **Andreou** (Cyprus) said that the President of the Republic had referred the bill setting out quotas for the participation of women on the boards of semi-government organizations to the Supreme Court on grounds of unconstitutionality. The Supreme Court had ruled that the bill was unconstitutional as it violated the principle of equality. Alternative measures were therefore being pursued, such as awareness-raising campaigns, the creation of a database on the numbers of women in positions of responsibility, and research into temporary special measures.

21. **Ms. Ameline** said that the lack of resources allocated for the reception and follow-up of women refugees was a matter of concern. She hoped that the State party could count on the support of the European Union in dealing with the influx of migrants. The Government of Cyprus should conduct impact assessments and monitor the situation closely in order to ensure effective implementation of the law.

22. **Ms. Manalo** asked whether the State party was a signatory to the 1954 Convention relating to the Status of Stateless Persons, which would ensure the protection of refugees.

23. **Ms. Koursoumba** (Cyprus) said that the State party had signed the aforementioned Convention and concerns about its impact were currently being discussed in parliament. It was hoped that the Convention would be ratified by the end of 2018.

24. **Mr. Kasoulides** (Cyprus) said that the last round of negotiations relating to the peace process in Cyprus had been suspended, but that talks should resume shortly. Because women were underrepresented in the process, one of a number of expert committees set up had been tasked specifically with addressing gender equality and ensuring that women contributed to the process.

25. **Ms. Song** asked whether any assessment of the impact of the Commissioner for Gender Equality's work had been conducted, and, if so, what conclusions had been drawn. She wondered whether the National Machinery for Women's Rights had been allocated additional resources — and particularly human resources — as a result of the Commissioner's appointment, given the additional duties that had been assumed by the Gender Equality Unit of the Ministry of Justice and Public Order. Lastly, noting that, in order to ensure that the Machinery had the requisite authority, it was essential for all stakeholders to be engaged in discussions relating to women's rights and equality, she asked which government bodies and other stakeholders, in addition to major women's groups, had contributed to the restructure of the National Machinery for Women's Rights in 2013 and 2014.

26. **Ms. Rana** asked whether new measures for women, such as the Scheme for the Enhancement of Women's Entrepreneurship, had improved the social inclusion of vulnerable groups of women. She asked why article 4 of the Convention had not been invoked against the Supreme Court's decision to reject the bill on quotas for women in semi-government organizations, in view of the persistent gender imbalances in almost all fields and the fact that the State party was under a legal obligation to protect women and prevent discrimination against them, if necessary, using temporary special measures pursuant to article 4 and the Committee's general recommendation No. 27. Accordingly, she wished to know whether the State party would be reviewing the Supreme Court's decision and was nonetheless considering using temporary special measures and affirmative action as part of a strategy for the achievement of substantive and de facto gender equality. In that context, she would like to know what efforts had been made to familiarize relevant officials with the concept of temporary special measures and their use in all areas in which women were disadvantaged or underrepresented, and what results those efforts had yielded

27. **Ms. Koursoumba** (Cyprus) said that the Supreme Court's decision was a setback but that judicial opinions evolved over time. Although no bills opposing the decision were

likely to be drawn up in the near future, the Government was committed to finding a solution.

28. **Ms.** Niki **Andreou** (Cyprus) said that the Government had made sufficient financial, material and human resources available to the Commissioner for Gender Equality and had taken a series of measures to strengthen the National Machinery for Women's Rights. A coordinating body responsible for harmonizing the work of the various national gender equality entities would also be established in the near future.

29. **Mr. Bergby** asked whether, following the Supreme Court's ruling, the Government had considered amending the Constitution to allow for the introduction of special temporary measures.

30. **Ms. Song** asked what challenges had arisen in the implementation of the Strategic Action Plan on Gender Equality 2014–2017. She wondered whether the new action plan for 2018–2021 would be given the same name so as to maintain the momentum gained under the previous instrument.

31. **Ms. Koursoumba** (Cyprus) said that, despite strong political will, amendments to the Constitution to allow for the introduction of special temporary measures were not foreseeable in the near future. Alternative efforts would, however, be undertaken to promote women's participation and representation in public and political life.

32. **Ms.** Niki **Andreou** (Cyprus) said that significant progress had been made in promoting the employment and economic empowerment of women and preventing gender-based violence under the Strategic Action Plan for Gender Equality 2014–2017. The new National Action Plan on Gender Equality for 2018–2021 would focus on areas requiring further improvement, such as the political representation and participation of women and negative gender stereotypes in the media.

33. **Ms. Gabr** asked what human, financial and material resources would be provided to the planned coordinating body for gender equality issues. Clarification as to whether the body would tackle negative gender stereotypes in the media and whether it would cooperate closely with civil society organizations would be welcome.

34. In the light of the State party's recent ratification of the Istanbul Convention, it would be interesting to learn when the Government intended to incorporate the Convention's provisions into domestic legislation; whether it had made the appropriate financial and human resources available for the Convention's implementation, including for the establishment of a monitoring mechanism; and what specific forms of violence had been included in the bill to define violence against women as an offence.

35. She wondered whether steps had been taken to enhance the protection of women, for example, by increasing access to specialized services for victims of sexual and gender-based violence and expanding the number and geographical coverage of shelters staffed with adequate and appropriately trained legal, social, psychological and other medical personnel. Further information on the training on national legislation preventing and combating violence against women that had been provided to police officers and social and health workers, if any, would also be useful in that context. Noting the reported difficulties experienced by victims of gender-based violence in seeking free legal aid, she asked what action had been taken to uphold women's access to justice and strengthen investigations into and the penalties imposed for those types of offences.

36. **Ms. Bethel** asked what specific challenges had arisen in enforcing the Prevention and Combating of Trafficking of Human Beings and Protection of Victims Law of 2014 and implementing the 2016–2018 National Action Plan against Trafficking in Human Beings. It would be useful to learn more about the role of the bicommunal committees responsible for dealing with the practical issues arising from the occupation in combating trafficking. Given that Cyprus remained a source and destination country for trafficking in women, she wished to know what steps had been taken to guarantee the effective functioning of the Multidisciplinary Coordinating Group for Combating Human Trafficking and ensure that NGOs could contribute to its referral and victim protection functions. She also wondered what action had been taken to address the role of private employment agencies and their involvement in trafficking networks. Further information on the impact

of trafficking awareness-raising campaigns aimed at government agencies, educational establishments and the general public would be welcome. It would be particularly helpful to know what specific measures had been put in place and what institutions were responsible for identifying victims of trafficking and collecting relevant disaggregated data.

37. Regarding victim protection measures, she wished to know under which circumstances victims of trafficking could remain in shelters longer than the statutory four-week period. Detailed information regarding living conditions in the shelters and the protection afforded against further psychological, physical and sexual abuse in such facilities would be useful in that context. She wondered whether the Government would adopt additional measures to support victims, including by streamlining financial assistance processes, granting residence permits and the right to work, and paying travel and accommodation expenses for victims required to testify in court. It would be particularly interesting to learn whether specific protection measures had been put in place to prevent trafficked women being forced or coerced into surrogacy.

38. Concerning the investigation and prosecution of trafficking offences, she asked what efforts had been made to pursue investigations into possible labour trafficking cases among domestic or agricultural workers, and to improve the training offered to labour inspectors and other employment professionals to help them to identify trafficking victims. She also wished to know what steps had been taken to address the reportedly long delays in bringing cases of trafficking in persons before the courts and to prevent key witnesses from leaving the country before the criminal justice process had been concluded.

39. **Ms. Koursoumba** (Cyprus) said that the multidimensional nature of combating negative gender stereotypes required the active engagement of all stakeholders. Changing societal and cultural attitudes would take time and would require the concerted efforts of the Government, the media and schools to raise awareness of gender equality and women's rights.

40. **Ms.** Niki **Andreou** (Cyprus) said that sufficient financial, material and human resources would be made available to the planned coordinating body for gender equality entities. The Government had drafted two bills to establish an independent board tasked with selecting and monitoring the training curricula for judges and lawyers, which would include specific awareness-raising training on promoting women's rights and combating gender stereotypes. The draft National Action Plan on Gender Equality for 2018–2021 would also provide for awareness-raising training on gender equality issues for judges, lawyers, and social and health workers. Legal aid had been made available to all persons unable to afford legal representation, irrespective of nationality, ethnicity or gender.

41. The Equality and Anti-Discrimination Body was responsible for receiving and investigating complaints of all forms of gender discrimination. Since 2011, it had provided support and assistance to 130 women and 22 men. Several cases had been successfully brought before the courts and the victims had been awarded compensation.

42. **Ms.** Natalia **Andreou** (Cyprus) said that efforts were under way to establish additional shelters for vulnerable women and ensure an equal geographical distribution of appropriate support services for victims of sexual and gender-based violence. All staff working in the shelters had the appropriate professional qualifications and had received specialist training in supporting victims of domestic and sexual violence. The Government had increased its funding to NGOs tasked with running the shelters and had signed a cooperation agreement in December 2017 with all civil society organizations working in the field of gender-based violence, with a view to strengthening the services and support available to victims.

43. Private employment agencies were subject to strict regulations and were required to abide by national legislation governing private agency work. Owners of private employment agencies were required to attend specific anti-trafficking training courses on an annual basis and received regular information leaflets setting out the national operating guidelines for private employment companies. The Department of Labour also conducted regular, unannounced inspections of premises belonging to private employment agencies. In 2017, it had inspected 116 out of 153 agencies and had revoked the licences of 10

companies operating in violation of the law. Four cases had been referred to the police for investigation and administrative fines had been imposed on several other agencies.

44. Victims of trafficking were housed in shelters for a maximum of four weeks. Under certain circumstances, accommodation could be extended by increments of two weeks. The Government worked closely with NGOs to guarantee that victims of trafficking had access to the relevant housing, education, and health services once the four-week period had ended. Social workers informed victims of their rights and ensured they received the appropriate psychological and medical care. Victims of trafficking were also eligible for financial support and received assistance from the national employment services to find suitable employment, where appropriate.

45. **Mr. Veis** (Cyprus) said that combating violence against women remained a high priority for the police services. Police officers at all grades attended regular multicultural sensitivity courses and training sessions dedicated to identifying and supporting victims of sexual and gender-based violence. A new risk assessment protocol for cases involving domestic violence and specialist anti-trafficking toolkits had also recently been introduced.

46. Victims of gender-based violence and trafficking had access to a number of different protection services and were systematically informed of their rights, including through information documents available in several different languages. A specialist unit to investigate cases of child sexual abuse and exploitation had also been established in 2017. Access to government-funded shelters had been restricted to a four-week period in order to prevent the institutionalization of victims. Vulnerable persons requiring additional support had the right to request an extension to their stay.

47. **Ms. Kyprianou** (Cyprus) said that the Ministry of Education had put in place teaching programmes to ensure that, from an early age, children received information on preventing stereotypes and discrimination and issues of sexuality and reproductive rights. The Ministry had established an inter-departmental committee to coordinate all gender equality issues and had developed an action plan for 2018–2020 that included many training courses for teachers and career counsellors as well as for parents. A new health education curriculum had been developed, based on the World Health Organization guidelines. The Ministry of Education's website contained numerous toolkits to help combat racism, homophobia, transphobia, bullying, discrimination, gender stereotypes and violence against women, as well as material on issues such as family planning and human rights. The Ministry had also developed an anti-racism policy, which provided schools and teachers with a detailed framework for preventing racist incidents and eliminating bullying and discrimination based on any form of diversity in schools. The National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography provided for mandatory training for all teaching personnel responsible for sexual education at all levels. In 2018, the Centre for Educational Research and Evaluation had conducted a study into the most effective ways in which teachers could provide sex education.

48. **Ms.** Niki **Andreou** (Cyprus) said that the bill to criminalize all forms of violence against women, which would bring the provisions of the Istanbul Convention into Cypriot law, was currently before parliament. The bill established a comprehensive framework for combating gender-based violence that encompassed aggravating circumstances and the corresponding increased penalties, immediate and effective prevention, victim protection measures and international cooperation in the fight against such crime. A second bill, which had been before parliament since November 2017 but had not yet been examined in full, would, once adopted, criminalize stalking and harassment, authorize courts to issue protection orders both for victims and persons in the victims' environment, and entitle victims to rehabilitation and compensation.

49. **Ms Bethel** asked whether the evaluation and assessment mechanisms built into the various national action plans had been effective; how effective the Multidisciplinary Coordinating Group for Combating Trafficking in Human Beings was proving to be; whether trafficked women were being used in the surrogacy industry; and whether any of the violations committed by private employment agencies had been related to trafficking. She would also like information about efforts to address the court backlogs that were delaying prosecution efforts.

50. **Ms. Halperin-Kaddari** said that she would appreciate the delegation's comments on reports that migrant women victims of domestic violence had been refused legal aid and access to the family courts on the grounds that they did not have a residence permit, or that their temporary residence permit was established in the name of their husband and thus dependent on his endorsement.

51. **Ms. Gabr** asked what forms of violence were addressed under the draft family law currently in preparation. She would like assurances that the planned coordinating body for gender equality issues would have a clear mandate, would include all stakeholders and would be properly staffed and funded. Noting that migrants generally brought with them their own traditions and occasionally harmful practices, she inquired how the State party was dealing with such issues.

52. **Ms. Koursoumba** (Cyprus) said that the new coordinating body would be provided with the necessary human and financial resources and that, in implementation of the new National Action Plan for Gender Equality, a study would be carried out to carefully define its competencies and mandate.

53. **Ms.** Natalia **Andreou** (Cyprus) said that the violations committed by the private employment agencies mentioned previously were related not to trafficking but to providing fraudulent information.

54. **Mr. Veis** (Cyprus) said that some of the convictions obtained in trafficking cases heard before the Cypriot courts had concerned the specific crime of trafficking for the sexual exploitation of women. A specialized police unit for trafficking issues conducted checks among high-risk or vulnerable groups with a view to identifying criminal activity and any infringements of anti-trafficking legislation. Where there was doubt, potential victims were treated as victims of trafficking until the investigation proved otherwise.

55. **Ms. Koursoumba** (Cyprus) said that past evaluations of national action plans had been effective and helpful in mapping the way forward. The delegation would provide a written answer to the Committee's question regarding difficulties that migrant women experienced in obtaining legal aid.

56. **Ms.** Niki **Andreou** (Cyprus) said that, in a recent research study on the prevalence of female genital mutilation in European Union countries, the European Institute for Gender Equality had estimated that between 12 and 17 per cent of the 758 girls aged under 18 years old currently living in Cyprus who originated from countries where female genital mutilation was practised were at risk. However, research had also shown that communities were starting to abandon the practice as a result of efforts to promote their social inclusion. A specific provision on female genital mutilation, which contained a precise definition of the act, had been incorporated into the Criminal Code in 2003, as article 233 (a). The article specified that the act remained an offence even if the victim had given consent and the law gave Cyprus jurisdiction over such acts even if they were committed outside national territory. In line with the Istanbul Convention, Cyprus was adopting legislation that should ensure better protection for women who had been victims of violence or were at risk of female genital mutilation by providing more specialized support services. Efforts were also being made to make asylum procedures more gender-sensitive.

Articles 7 to 9

57. **Ms. Hofmeister** asked what steps the State party had taken to establish a systematic system for collecting data with which to monitor progress in implementing articles 7 and 8 of the Convention; what it was doing to support women's access to decision-making bodies and leadership positions; how it intended to prevent multiple forms of discrimination; what measures were being used to encourage women in politics; and what action had been taken to stem the marked decrease in the number of women standing for or holding political office, especially in municipal authorities. She would appreciate information about the role of the media; for example, what was the State party doing to improve the working environment for women in the public eye, particularly, in terms of preventing cybercrime, hate speech and sexual harassment? She would also like to know how the authorities planned to increase women's confidence in the court system and the police and to promote gender neutrality as a means to dismantle the prevalent patriarchal culture.

58. **Mr. Bergby**, noting the State party's assurance that problems surrounding the ratification of the 1954 Convention relating to the Status of Stateless Persons would be resolved in 2018, asked whether Cyprus also intended to ratify the 1961 Convention on the Reduction of Statelessness, the two instruments being of equal importance. In that connection, he wished to know what the State party was doing to ensure that undocumented migrant women who gave birth in Cyprus were informed of their right to register births and obtain birth certificates for their children and to facilitate procedures for the issuance of birth certificates in such circumstances.

59. **Ms. Koursoumba** (Cyprus) said that the problems preventing ratification of the two Conventions should indeed be solved by the end of 2018. As regards the registration of births, failure to register was a criminal offence in Cyprus; accordingly, medical practitioners and clinic owners or administrators who failed to ensure that a birth was duly registered could be brought to justice. There had been reports of cases in which registration had been delayed by the clinic as a means of exerting pressure to obtain payment, and others in which undocumented migrants had been afraid to report births. The Ministry for the Interior had taken steps to remedy such situations and clinics had been informed on how to proceed in such cases.

60. **Mr. Veis** (Cyprus) said that data and information about hate speech and hate crime was available on the official website of the Cyprus Police. Between 2005 and 2017, 72 per cent of cases brought for such offences had resulted in convictions, attesting to the efficacy of domestic legislation and procedures related to hate crime. In the case of hate speech, a more measured approach, which did not necessarily involve criminal proceedings, was required in order to prevent potential violations of the right to free speech.

61. **Ms.** Niki **Andreou** (Cyprus) said that gender stereotypes were the major obstacle to equal representation of women in political and public life. Reflecting the urgent need to eliminate such traditional perceptions, the National Action Plan for Gender Equality provided for ongoing monitoring; awards for best practice in gender equality; campaigns to raise awareness of women's right to breastfeed; research into the manner in which women were portrayed in the mass media; the adoption of a mass media code of conduct; training for media professionals; an annual gender equality prize for journalists; and programmes to introduce children to the concept of gender equality at an early age.

62. **Ms. Halperin-Kaddari** asked whether article 2 (7) of the Constitution, which dictated that married women and all children under the age of 21 years should belong to the community of the husband/father, and was thus discriminatory, was still in force.

63. **Ms. Kouroumba** (Cyprus) said that the Constitution had been drafted under the London and Zurich Agreements establishing the Republic of Cyprus to take account of both the Turkish and Greek Cypriot communities, and that it was to those communities that the word "community" in article 2 (7) referred. The two communities had different political representatives, and it was thus important to distinguish between them. It was hoped that, once a political solution to the current situation had been found, the need to maintain that distinction would become redundant.

The meeting rose at 1 p.m.

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Seventieth session

Summary record of the 1605th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 4 July 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Cyprus (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Cyprus (*continued*) (CEDAW/C/CYP/8; CEDAW/C/CYP/Q/8 and CEDAW/C/CYP/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*

Articles 10 to 14

2. **Ms. Gbedemah** said it was regrettable that the improved performance of women and girls in secondary and higher education over the past decade had not translated into higher remuneration for women in the labour force. While women accounted for between 40 and 50 per cent of those with a university or postgraduate degree, the percentage of female PhD holders was much lower. It would be helpful to have information on the dropout rates of women and girls to complement the information on enrolment rates provided in the State party report (CEDAW/C/CYP/8, paras. 106 and 107). In its concluding observations from the last reporting cycle (CEDAW/C/CO/6-7), the Committee had recommended that the State party should diversify the professional choices available to women, especially towards non-traditional fields. She would be interested to know what action had been taken in that regard and what the outcome had been.

3. Noting the underrepresentation of women in engineering and similar fields, she wondered whether the State party would consider adopting temporary special measures as part of its initiatives in that area. Combating gender stereotypes was a key factor. She wished to know whether the Education Action Plan for the period 2014–2017, which had focused on eliminating stereotypes, had been evaluated; and what other concrete measures had been adopted to intensify those efforts. It would be useful to have information about how the Government monitored sexual harassment in educational institutions, which was another area of concern, including details of the number of complaints and the penalties imposed.

4. She would welcome information on the steps taken to remove the linguistic barriers faced by girls from ethnic minorities, and on the results of such efforts. It would also be interesting to know what alternatives had been put forward in the light of the decision not to establish a school with Turkish as the main language of instruction, owing to the lack of support from parents in Limassol. Lastly, she invited the delegation to explain why religious education remained compulsory, despite the Committee on the Rights of the Child's recommendation that it be made optional (CRC/C/CYP/CO/3-4, para. 45), and why important components such as gender equality and gender aspects were excluded from sex education curricula.

5. **Ms. Jahan** said that women continued to face workplace segregation and to experience discrimination in recruitment, career advancement, employment conditions and pay. Nonetheless, it was encouraging that one of the objectives of the National Action Plan on Gender Equality for 2018–2021 was to promote equality between men and women in employment. She wished to know what targeted measures were being considered to increase the participation of women in formal labour markets and, in particular, to address gender segregation, including in higher skilled occupations; and what temporary special measures, quotas or other methods were being used to attract women into traditionally male-dominated professions. Given the low number of women in senior managerial positions, including in university teaching and administrative positions and on private sector boards, she would also appreciate further information on the steps being taken to improve the career prospects of women, such as educational and training schemes. What measures were in place to enhance self-employment opportunities, especially among women in rural areas and in lower income brackets? And were there any special provisions to help bring women with disabilities into employment?

6. Although the legal framework enshrined the right to equal pay for work of equal value among men and women, the considerable and persistent wage gap, particularly in the

private sector, suggested a need to strengthen the enforcement of employment laws. She would therefore like to know what monitoring mechanisms were in place to ensure effective implementation of the legislation; what legal action was taken when employers and companies were found to be in violation of those legal provisions; and what redress mechanisms were available. She would also be interested to learn what measures had been taken to bridge the pension gap between men and women, which was nearly 50 per cent, owing in part to the disproportionate number of women in part-time work.

7. In view of the large number of gender discrimination cases received by the Ombudsman from women who had been dismissed or denied promotions after becoming pregnant or upon returning from maternity leave, it would be helpful to know what remedies were available to working mothers to help them to ensure that their seniority and promotion opportunities were unaffected by their family situation. The problem was particularly acute among migrant workers, who were often unaware of their rights or afraid of retribution if they attempted to exercise them. Many women faced difficulties in reconciling childcare and career advancement. She wished to know what State support, such as affordable childcare facilities and nursing homes, was available to help women caring for dependents. She would also appreciate clarification as to whether parental leave was paid or unpaid. Lastly, noting that sexual harassment in the workplace remained a problem in spite of the institutional framework in place, she wondered whether the State party would consider introducing a comprehensive law on sexual harassment that contained clear provisions for prevention, prohibition, reporting, prosecution and redress.

8. Alternative reports had found that migrant women, particularly Muslim women who wore visible signs of their religious identity, frequently experienced discrimination in accessing employment. It would be helpful to know what measures had been taken to ensure that migrant women had discrimination-free access to employment opportunities in all sectors. Since the Committee and other treaty bodies had raised concerns regarding the precarious and vulnerable situation of domestic workers, the overwhelming majority of whom were migrant women, she would appreciate information as to how the Government guaranteed the employment rights of such workers and protected them from exploitation. Given that visa requirements for migrant workers tied them to their employers, what oversight and protection mechanisms were in place to prevent abuse of that situation?

9. **Ms. Arocha Domínguez**, noting that various special programmes to address the health-care needs of vulnerable groups had been launched to serve as a bridge to the national health insurance system due to be implemented in the near future, asked how the Government would ensure that the attendant benefits for vulnerable women would not be lost once the insurance system was fully operational. She wondered whether the new system had been designed with a gender-based approach and the Sustainable Development Goals in mind. It would also be interesting to learn how the health-care system as a whole would be prepared for the upcoming changes, particularly in terms of funding, working methods and human resources.

10. She wished to know whether the improved sex education curricula introduced in schools was complemented by appropriate health-care services, and whether such services were widely available. According to alternative sources, contraception was not affordable for many women and was not always available from public health institutions. She would appreciate the delegation's comments on the fact that many modern forms of contraception were not imported owing to commercial regulations. In view of the recent decriminalization of abortion, it would be useful to know whether the relevant regulations had been introduced; whether medical staff had received sufficient training and were ready to carry out the procedure; whether abortions would be available within the public health system in order to allow access for low-income women; and what would be done to address situations in which medical staff refused to carry out terminations.

11. She wished to know whether the last plan to prevent HIV transmission had been evaluated; what conclusions had been drawn; and whether the plan had since been updated. It would also be helpful to know about any programmes specifically targeting sectors of the population at particular risk of HIV infection. Could those groups access treatment without stigma?

12. **Ms. Koursoumba** (Cyprus) said that, in her personal view, the use of temporary special measures was tantamount to forcing women into careers that they did not want to pursue. Instead, the focus should be on combating stereotypes, raising awareness and empowering women to choose non-traditional careers.

13. Education was given in Greek. Most Turkish-speaking Cypriots attended English-speaking private schools. One primary school in Limassol taught Turkish-speaking children and employed two Turkish Cypriots. That school was assisted and monitored by the Cypriot Government. Overcoming language barriers was not the main issue; ensuring that students' needs were met was the overarching objective.

14. The teaching of the religion of the majority of Cypriots was compulsory in schools, although the Ministry of Education and Culture was aware that the country's Commissioner for Children's Rights had raised various objections to the status quo. However, since freedom of religion was protected under the Constitution and international treaties, children with different religious beliefs were entitled to attend alternative classes for which they were awarded equal credit. Oversight mechanisms were in place to safeguard the rights of such children.

15. Over the past five years, the authorities had attempted to introduce a comprehensive compulsory sex education programme in schools that was in line with the recommendations of the Commissioner for Children's Rights. However, a lack of skills training among educators had prevented the programme from being rolled out. The Ministry of Health, together with the Ministry of Education and Culture, had been working to develop a strategy for moving forward.

16. **Ms. Kyprianou** (Cyprus) said that research had been conducted to ascertain teachers' views on sex education. The results showed that educators did not feel equipped to teach the subject. Mandatory training programmes would therefore be introduced to prepare educators.

17. According to data for 2016/17 published by the Statistical Service of Cyprus, the majority of PhD and postgraduate degree holders in Cyprus were women. To address women's underrepresentation in fields such as engineering and architecture, the Ministry of Education and Culture planned to reshape vocational and secondary education courses to make them more attractive to girls and to design educational materials that were most effective in combating gender stereotypes among children from a young age. The Ministry also cooperated with the Department of Labour Relations and published teacher's manuals to promote gender equality. Universities were independent from the Ministry of Education and Culture but were nonetheless required to take action against sexual harassment under the National Action Plan on Gender Equality.

18. **Ms. Koursoumba** (Cyprus) said that migrant children and their families were given lessons in Greek to enable them to attend school with other children, although some consideration had been given to the possibility of providing classes for migrant children in their own language.

19. **Ms.** Natalia **Andreou** (Cyprus), referring Committee members to data included in the replies to the list of issues (CEDAW/C/CYP/Q/8/Add.1, para. 82) that attested to the decreasing gender pay gap, said that several measures had contributed to that achievement, including a review of collective agreements to eliminate direct or indirect discrimination, annual awareness-raising "Equal Pay Day" events that had received wide media coverage, and the distribution of detailed guides on equal pay legislation to more than 400 companies. Furthermore, inspectors had been granted powers to enter premises in order to investigate complaints of infringement of relevant legislation.

20. Migrant domestic workers in Cyprus were protected against discrimination and guaranteed equal treatment under the terms of the contracts signed between employer and employee. There was no collective agreement for domestic workers, but the terms and conditions of their contracts were overseen by the Ministry of Interior and were consistent with the terms and conditions contained in collective agreements applicable to both European Union and non-European Union nationals. Any employee could bring a claim before the Labour Disputes Court. In addition, a specific complaints mechanism was

available for workers in conflict with their employers, in Greek and English, that offered various solutions including mediation, employer penalties and the possibility of early release from contract. Since workplace health and safety laws were also applicable to domestic service, accidents and occupational illnesses affecting domestic workers could be investigated irrespective of the workers' immigration status. In fact, the authorities had prevented the deportation of a number of workers in order to obtain testimony from them that could be used to bring charges against employers at fault.

21. The Committee for Gender Equality in Employment and Vocational Training ran awareness-raising activities to address sexual harassment at work, besides providing assistance to victims. Codes of conduct for public sector employees had been drawn up by the Commissioner for Administration and Human Rights, in conjunction with the Committee, and codes for the private sector were currently being drafted. Paternity leave was remunerated, but parental leave, which employed parents were permitted to take until their child reached the age of eight years old, was not.

22. A new programme under which free oral contraception would be available to low-income women would be implemented in the near future. Significant progress had been made in AIDS prevention and treatment, and efforts were being made to improve public health surveillance in general. HIV care was provided free of charge in one dedicated clinic and provisions had been approved to provide financial support to people with HIV. All pregnant women were offered HIV testing and mother-to-child transmission rates were low.

23. **Ms. Gbedemah** said that the intention of temporary special measures in education was not to compel pupils to take specific courses but rather to nurture and encourage nascent interests. For example, girls would be more likely to pursue science disciplines if they knew about the possibility of obtaining scholarships. Incentives of that kind needed to be made available in order to make science and related subjects more attractive to girls. She invited the delegation to comment on information received from alternative sources which indicated that migrant students in Cyprus were not eligible for student grants at the tertiary level. If that was indeed the case, what could be done to remedy the situation?

24. **Ms. Jahan** said that it would be useful to know whether foreign domestic workers could change employer while their work permits were valid; whether they were allowed to join trade unions; and what mechanisms might be used to bring their wages into line with the national minimum, given that, according to alternative sources, at present their pay was considerably lower. She would also appreciate an explanation as to why the State party had not yet ratified the International Labour Organization (ILO) Private Employment Agencies Convention, 1997 (No. 181), given that ratification had apparently been considered and many of the Convention's provisions had seemingly already been implemented in Cyprus.

25. **Ms. Arocha Domínguez**, noting that many of her questions remained unanswered, said that she would particularly like to know whether the country's HIV programme had been evaluated, updated or extended. According to alternative sources, it had not. She also urged the delegation to provide the requested information about administrative and technical measures adopted to ensure the efficacy of the new regulations governing termination of pregnancy.

26. **Ms. Manalo**, noting that many women were now studying science, technology, engineering and mathematics, said that she wondered whether a similar gender balance had been achieved in humanities and social sciences: it was equally important that as many men as women studied humanities and social science subjects that encompassed topics such as religion, sexuality, language, ethics and values which were essential for all young persons' development. On a more general note, she asked whether the Government had conducted assessments of the strengths and weaknesses of all its policies and programmes, in accordance with each of the Convention's articles, with a view to eliminating weaknesses and building on strengths.

27. **Ms. Ameline** said that incentives and sometimes more binding measures needed to be applied in all countries in order to ensure an appropriate distribution of girls and boys across all sectors. In order to tackle the challenges posed by climate change and artificial intelligence, to give just two examples, good decision makers were as essential as good technicians. To ensure women's effective contribution to the world of the future, it was

important to remain vigilant, particularly in the digital field, and she urged the State party to position itself at the forefront in those efforts.

28. **Ms. Koursoumba** (Cyprus) said that the country would give serious consideration to the use of temporary special measures. She wished to highlight that a number of children from migrant backgrounds had excelled in their final secondary school examinations and had obtained further education scholarships. Foreign domestic workers could indeed change employer, subject to the terms and conditions of their contract.

29. With regard to termination of pregnancy, she acknowledged that the previous regulations, under which abortion had been authorized in certain specific circumstances only, had tended to be interpreted more liberally by private sector physicians than by those working in the public sector. However, since the new legislation made abortion legal for all women up to the twelfth week of pregnancy without exception, there was no reason why public health-care practitioners should not be ready to implement them. The effectiveness of the new legislation, which had taken effect just one month previously, would be assessed within the next two years.

30. **Ms.** Natalia **Andreou** (Cyprus) said that, following the removal of the contractual prohibition, foreign domestic workers could henceforth apply to become members of trade unions. There was no national minimum wage that covered every occupational category, nor any legislation regulating overtime pay: the terms for such pay had to be established within the framework of a personal or collective agreement between employer and employee. It was important to remember, however, that employers had to cover a number of their employees' costs, including accommodation, medical insurance, visas and repatriation costs. After careful examination, the Government had decided that it would reassess the possibility of ratifying the ILO Private Employment Agencies Convention periodically, with a view to finding the right time to proceed. The economic crisis had precluded progress to date, having given rise to other more pressing matters. Furthermore, ratifying the Convention presupposed an expense that would have to be assumed by domestic workers' employers.

31. In the absence of a delegation member representing the Ministry of Health, she could confirm that the universal health insurance system would cover all persons in Cyprus, irrespective of nationality, and would be paid for by employers and through taxes. Vulnerable groups' costs would be covered from State resources. The Government acknowledged that the gender pension gap was high, but it was on a downtrend. The gap was attributable to various factors — the fact that men began their retirement considerably later than women, the gender pay gap, the number of hours worked per week and the number of contributing years all contributed to pension outcomes — and should continue to narrow as those factors gradually moved in women's favour.

32. **Mr. Bergby**, noting that adequate State revenues were essential to fulfilment of treaty obligations and substantive equality for women, asked whether the country's tax system, which was designed to attract inward investment and foreign companies, could have implications for women's rights. In that context, and in line with the Committee's 2010 general recommendation No. 28, he wondered whether a review of the country's corporate, financial and tax legislation, policies and practices might be envisaged in order to ensure that women's rights were upheld domestically and abroad.

33. He was concerned that, according to reports, some insurance companies did not allow husbands to be covered under their wives' insurance policies. That practice seemed highly discriminatory and could prevent women from being heads of household. What would the State party do to ensure that such discriminatory provisions were eliminated? It also appeared that the country's businesses had not voluntarily adopted measures or policies to promote women's advancement into executive positions or onto company boards. Since it was vital, in line with the Sustainable Development Goals, that governments recognized the importance of increasing women's representation in decision-making as an instrument for development, it would be helpful to know more about what was being done to increase women's participation in the economy. Might the use of a quota system for corporate boards and decision-making positions be given further consideration?

34. Lastly, he was pleased to note that the Cyprus National Olympic Committee had established a training programme to empower women to participate more effectively in sports organizations' decision-making bodies. He asked whether such initiatives could be financed from public funds and whether the State party might consider financing scholarships or other incentives, possibly in conjunction with NGOs, both for women athletes and for women in decision-making roles.

35. **Ms. Haidar** said that further information on how the Government was planning to address the impact of climate change on agricultural production and rural women would be useful. In particular, she would like to know whether the Government had established a general plan on tackling the effects of climate change, a specific plan on mitigating its impact on women's rights and a specific government programme to assist rural women, including those who were active in the labour market.

36. She asked whether the Government would consider introducing tax incentives to encourage entrepreneurs to establish businesses and create employment in rural areas. It would be interesting to learn what steps were being taken to address disparities in the use of technology by women living in rural areas and those living in urban areas.

37. The Committee was concerned to note that, despite the various amendments made to the Refugee Law between 2002 and 2016, the Law did not yet provide for a gender-sensitive approach to the determination of asylum status and did not address the needs of survivors of sexual and gender-based violence. In the light of that situation, she asked whether any plans were in place to further amend the Refugee Law in order to protect refugee and stateless women against sexual and gender-based violence; and whether the Government planned to adopt the 1967 Protocol to the Convention relating to the Status of Refugees.

38. The wives of Cypriot and European Union citizens were granted a temporary residency permit that did not allow them to exercise their social, economic or political rights. In order to obtain such permits, the husbands of migrant women were required to provide a written declaration stating that they would be responsible for their wives' living costs and medical expenses, thus giving rise to a relationship of dependency between wives and husbands that sometimes entailed abuse and exploitation. Even when they held a residency permit, migrant women found it difficult to access the family courts or obtain legal aid. In view of that situation, she asked whether the Government would consider amending legislation on the status of migrant women in order to protect them from abuse and violence and to decrease their dependency on their partners. It would be interesting to learn whether any measures were in place to ensure access to justice for migrant, refugee and asylum-seeking women and to address linguistic barriers by disseminating information, in different languages, on legal remedies and procedures.

39. **Ms. Koursoumba** (Cyprus) said that the Cyprus Football Association had launched a new project to encourage women to participate in football. Sports associations and clubs were funded by the Government and were required to promote the participation of all citizens, including women and girls, in sporting activities.

40. **Ms. Voskaridou** (Cyprus) said that volunteers working with Cyprus Civil Defence, 50 per cent of whom were women, were responsible for providing training and responding to disaster situations. Women members belonged to the departments of search and rescue, first aid, neighbourhood watch, welfare and communication. The risk communication strategy, which was still being developed, contained special provisions for persons belonging to vulnerable groups, including women, children, older persons and persons with disabilities. Similar provisions would be included in the risk reduction strategy, which was currently being drafted. Cyprus Civil Defence had conducted an assessment of the risks associated with climate change for the Climate Change Project and had begun collecting statistical data related to disasters from different governmental organizations. Efforts would be made to disaggregate the data on the basis of gender and membership of vulnerable groups.

41. When an asylum seeker applied for asylum, the Aliens and Immigration Unit completed a specific form with a view to identifying persons with special needs, including victims of torture and trafficking and pregnant women. On the basis of that information, the

Asylum Service proceeded to take a gender-sensitive approach to the assessment of asylum applications. Trained women officers who specialized in gender were assigned to such cases in collaboration with women interpreters, if deemed appropriate. The Asylum Service circulated written information to the police and the Department of Labour with a view to identifying vulnerable persons as early as possible in the procedure. All the services involved were required to inform the Asylum Service if they identified an applicant with special needs, so that they could be provided with medical and psychological care. Relevant training and guidelines were systematically provided to the staff concerned. All asylum seekers were entitled to work in agriculture, manufacturing, waste management and construction, among other areas. A co-funded project had been established to provide legal aid to undocumented migrants through non-governmental organizations.

42. **Ms.** Niki **Andreou** (Cyprus) said that the Government recognized the significant role played by rural women in the development of rural areas and their contribution to the eradication of poverty and hunger. For that reason, measures had been taken to ensure that rural women did not face discrimination and were given the support that they needed to remain in the countryside. In that regard, the Ministry of Agriculture, Rural Development and Environment supported rural women through the Rural Development Programme 2014–2020. Under that Programme, rural women received financial support in order to boost their income and enhance their working conditions. Rural women under 40 years of age could obtain financial support and vocational training when they established an agricultural holding for the first time. Additional financial support was allocated to enable women to modernize their agricultural holdings, set up or improve small industrial units and process or produce traditional agricultural products. Rural women were able to participate in local action groups that aimed to improve the quality of rural life through the protection of the environment, the protection and promotion of folk culture and the promotion of rural areas as agritourism destinations. The Department of Agriculture provided vocational training in organic farming and traditional farming methods to rural women and men through the Agricultural Extension Programme.

Articles 15 and 16

43. **Ms. Halperin-Kaddari**, noting that the delegation had stated that unmarried couples who lived together were legally recognized and enjoyed the same rights as married couples, said that she would welcome clarification as to whether the recognition afforded to couples in de facto unions was separate from that granted to couples in civil unions under the Civil Union Law 2015. It would also be interesting to learn whether couples living in de facto unions were entitled to all the social benefits available to married couples and whether their property relations were regulated in the same way.

44. When couples divorced, the value that had been added to their property during the course of the marriage was assessed and divided between them. However, spouses who had not worked, or who had worked only on a part-time basis, were considered to have contributed only one third of the value added to the matrimonial property. In view of the unfairness of that arrangement, and its disproportionate impact on women, she asked whether the Government would amend the legislation in question to ensure that the value added to matrimonial property during a marriage was divided equally between the spouses, in accordance with the Committee's general recommendation No. 29 (2013). Noting that the Government had indicated its intention of carrying out a review of the legislation in question, she asked when any amendments resulting from the review would be adopted. It would be interesting to learn whether the property acquired during a marriage included career assets such as pension rights, severance payments and increased earning potential.

45. Women in Cyprus were sometimes adversely affected by the fact that the island was divided into two territories with separate legal regimes. Although the Committee acknowledged that the Government could not exercise any control over the occupied part of the island, it would be interested to learn whether any measures, including enhanced legal aid, had been implemented to mitigate the adverse impacts on women of the territorial division of Cyprus.

46. Noting that lesbian, bisexual and queer women were entitled to enter into civil unions under the Civil Union Law 2015, and that single women were able to conceive

children through artificial insemination, she asked whether the Government intended to amend the Law to address the fact that, as matters stood, the civil partners of lesbian, bisexual or queer mothers were not legally recognized as the second mother of children born to their partner.

47. **Ms. Koursoumba** (Cyprus) said that both religious and civil marriages were regulated by the laws of the State. Under the Civil Union Law, heterosexual or same-sex couples living in de facto unions could enter into a contract through which they declared that they were a couple and acquired all the rights enjoyed by married couples except for the right to adopt a child. Although the civil partners of mothers were not legally recognized as the second parent of their partner's children, the Government was undertaking consultations and considering whether to review the legislation relating to that issue.

48. The proposed amendments to the Family Law took into account all the recommendations made by the Committee in its previous concluding observations (CEDAW/C/CYP/CO/6-7). In accordance with those amendments, property acquired during a marriage would be divided in accordance with the law and not on the basis of a court decision. The amended legislation was expected to provide for the equal distribution of property acquired during a marriage.

49. The Government was unable to take any measures affecting the occupied part of the island. The delegation was unaware of any cases in which persons were subject to the jurisdiction of family courts in both the government-controlled territory and the occupied territory. However, there had been cases in which parents had abducted a child in the government-controlled area and left the island, with the child, via the occupied area. Unfortunately, there was little that the Government could do to prevent such situations from occurring.

50. **Ms.** Niki **Andreou** (Cyprus) said that all the findings of the inquiry into the economic consequences of divorce on both spouses had been taken into account in the proposed amendments to the Family Law. The amendments in question provided for consensual divorce, joint child custody, the consideration of the best interests of the child by family courts, the right of children to contact both parents following divorce and the equal distribution of property acquired during a marriage, among other measures.

51. **Ms. Halperin-Kaddari** said that she urged the Government to take into account the Committee's general comment No. 29 (2013) in respect of the sharing of matrimonial property in the event of divorce. In particular, the Committee recommended that the increased earning potential of spouses working outside the home should be included in the property acquired during a marriage and should be shared equally between the spouses in the event of divorce.

52. Noting that the proposed amendments to the Family Law favoured joint custody arrangements in which the children of divorced parents spent an equal amount of time with each parent, she urged the State party to consider evidence indicating that such arrangements were often highly problematic and had adverse consequences for women, particularly those exposed to a risk of violence. The State party should direct the courts to assess risks of domestic violence, whether it targeted the child or the mother, and take that risk into account when issuing decisions related to custody.

53. **Ms. Koursoumba** (Cyprus) said that no legislation would be adopted that did not provide for exceptions in cases where women or children faced a risk of domestic violence. The best interests of the child were always of paramount importance and were always considered by the courts. The right of children to be heard would be enhanced under the new legislation.

54. **Ms. Voskaridou** (Cyprus) said that legislation was being drafted to ensure that migrant women married to Cypriot citizens, or citizens of other European Union countries, enjoyed equal access to the law.

55. **Ms. Koursoumba** (Cyprus) said that, on behalf of the Government, the delegation wished to express its appreciation for the frank and all-encompassing dialogue, which gave the authorities an opportunity to reflect on the impact of the measures they had taken and to

reassess their contribution to ongoing efforts to promote gender equality and women's empowerment. The Committee could be assured that its recommendations would be given the serious consideration that they merited.

The meeting rose at 4.50 p.m.

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Summary record of the 1606th meeting
Held at the Palais des Nations, Geneva, on Thursday, 5 July 2018, at 10 a.m.

Chair: Ms. Leinarte

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Fifth periodic report of Liechtenstein

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Liechtenstein (CEDAW/C/LIE/5; CEDAW/C/LIE/Q/5; and CEDAW/C/LIE/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Liechtenstein took places at the Committee table.*

2. **Mr. Frick** (Liechtenstein) said that his Government, an ardent supporter of efforts to strengthen the treaty body system, appreciated the opportunity to prepare its report under the simplified procedure, which had eased the reporting burden for such a small State with limited human resources and allowed it to work more efficiently.

3. Liechtenstein had an unemployment rate of 1.9 per cent, the lowest in Europe, with the number of jobs in 2017 surpassing the number of inhabitants. The dual vocational education system, with students combining classes with work experience, facilitated young people's entry into the labour market and ensured low youth unemployment. The crime rate had fallen by 16.5 per cent since 2016 and social peace prevailed, which set the stage for the realization of women's and girls' rights in the country.

4. Progress had been made in advancing gender equality and women and men enjoyed de jure equality. Girls performed better than boys at school and more girls successfully completed upper secondary school than boys. Girls' take-up of subjects in the science, technology, engineering and mathematics (STEM) fields was promoted through an innovative public-private partnership project.

5. There was a good representation of women in the Government, with women holding two out of the five ministerial posts since 2009. Women occupied half of the posts of ambassador in missions and embassies abroad, and gender parity had almost been achieved in the diplomatic corps. The heads of the Office of Statistics and the Data Protection Agency, among other positions in the national administration, had recently been filled by women. The Office of Justice, a crucially important and large office in terms of the number of staff, would soon be headed by a woman. In the previous parliamentary elections, however, women's representation had fallen from 24 per cent in the previous legislative period to 12 per cent, running counter to the trend in recent years. That situation had nevertheless provided an opportunity to explore the reasons for the decline and take action to remedy the situation. Furthermore, the main political parties had declared that they would aim for gender parity on their candidate lists for the municipal council elections in 2019, and the Equal Opportunities Unit of the Office of Social Services was raising awareness through the media of female political leaders to encourage women to stand for office.

6. With a view to achieving gender parity in political and economic leadership positions, the Government was focused on improving the balance between work and family life. Planned measures included the expansion of after-school programmes and lunchtime provision. Measures were also being established under a governmental working group on family policy to subsidize childcare for low-income families; and 4 of the 11 municipalities would shortly introduce longer school hours, subsidized by the State, to provide working parents with free childcare.

7. Legislative reforms had been carried out to strengthen women's and girls' rights. For example, the Criminal Code had been amended to include the notion of gender in the criminal offence of racial discrimination. Public incitement to hatred and discrimination on the basis of gender was now a criminal offence punishable by imprisonment of up to 2 years. The law governing sexual offences had also been amended to enhance victim protection and the list of offences that could be prosecuted ex officio was expanded to cover acts such as stalking and rape or sexual assault in marriages and partnerships. Proposed amendments to the Criminal Code would be considered in autumn 2018 to enhance protection for women against physical and sexual violence, which included defining as an offence the luring of persons to another State for the purpose of forcing them

into marriage, the tightening of sentences for sexual offences and the expansion of statutes of limitations.

8. The national human rights institution had been established in line with the principles relating to the status of national institutions for the promotion and protection of human rights following a broad consultation process with civil society and other stakeholders. Discussions on human rights were held with civil society on a yearly basis and the 2017 discussions had involved over 30 representatives from non-governmental organizations (NGOs), the private sector and others. Women's organizations thus had the opportunity to raise challenging issues, such as unpaid care work and gender stereotypes, with the national authorities. Additionally, the Government facilitated constructive exchanges between civil society and high-level representatives of the United Nations and the Council of Europe.

9. The sustained efforts of all actors were required to tackle the remaining challenges in achieving de facto gender equality. In February 2018, the Government had adopted its national implementation strategy for the Sustainable Development Goals, prioritizing Goal 5 on gender equality. It was committed to a more active gender equality policy and stood ready to provide financial support for specific gender equality projects. Its foreign policy also reflected its commitment to achieving women's rights. The State party was engaged in extensive international advocacy and humanitarian development projects to improve the situation of women and girls.

Articles 1 to 6

10. **Ms. Ameline** said that she hoped that the Government would consider signing the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She was concerned by the exclusion of women from the line of succession to the throne of Liechtenstein, as efforts to achieve gender equality were required at all levels of society. She recalled the recommendation of the European Commissioner for Human Rights to adopt a national gender equality strategy that aimed at the full and effective achievement of women's rights. Commending the work done by civil society to promote those rights, she suggested the introduction of a mechanism to further institutionalize cooperation between the Government and NGOs.

11. Recalling the Committee's recommendation that a separate law against gender discrimination should be developed, she asked what was being done to apply the recent amendments to the Criminal Code aimed at combating discrimination. She would like comments on the possibility that certain vulnerable populations such as migrant workers might be denied access to justice because of a lack of legal aid or fear that their residency status could be withdrawn if they applied to the courts. She asked whether current training for judges and lawyers was adequate and, if not, what measures were envisaged to strengthen it. She asked whether the human and financial resources granted to the Association for Human Rights were sustainable and whether private sources of funding were sought, which might undermine the Association's independence. She wished to know whether the three full-time staff of the Association were sufficient and whether the Association was empowered to hear a matter without higher referral or take legal action on its own initiative and not only after it had received a complaint. She also wondered whether the Government would consider providing for group actions to enable associations to sue for damage in legal proceedings.

12. She hoped that the current dialogue would enable the delegation to convey to the Government just how high the Committee's expectations concerning the Sustainable Development Goals were, as they constituted a solid framework for the integration of women's rights into fair, inclusive and sustainable development. Lastly, efforts to combat tax evasion should be continued since the diversion of public funds from public policies adversely affected the development of society, particularly gender equality.

13. **Mr. Frick** (Liechtenstein) said that access to justice was guaranteed for all women in Liechtenstein. The various tasks of the Association for Human Rights included providing women and girls with information on legal remedies in cases of gender-based discrimination, assisting victims of human rights violations and issuing opinions on draft

legislation. It could launch awareness-raising campaigns and since its establishment had drawn attention to certain human rights issues through the media. While members of the Association could participate in judicial and administrative proceedings with the consent of a victim, the Association was not empowered to lodge a complaint on its own initiative. A legal advice service, partially funded by the Equal Opportunities Unit, was also provided by various NGOs, including the Information and Counselling Centre for Women, and the police. Bearing in mind that the State party was a small country, the Association was not understaffed. Government ministers and parliamentarians worked in close cooperation with NGOs and engaged in an ongoing dialogue. The State party did not intend to withdraw its reservation to the Convention concerning hereditary succession to the throne in the Princely House of Liechtenstein.

14. **Ms. Wieczorek** (Liechtenstein) said that there were no plans to introduce a separate anti-discrimination law as various national legal provisions, including the Constitution and the laws on gender equality, labour and persons with disabilities, already set out prohibitions against discrimination on several grounds.

15. **Ms. Walch** (Liechtenstein) said that, under the existing asylum regulations, free legal counselling was offered to all asylum seekers. The possibility of providing free legal counselling during the appeals procedure relating to an asylum application was under consideration.

16. **Ms. Clavadetscher** (Liechtenstein) said that NGOs played an important role in national gender equality policies. The Government financially supported organizations, such as the Women's Home and the Liechtenstein Employees Association, through a performance agreement. Many such organizations dealt with issues of central importance to gender equality, including education, employment, reconciliation of work and family life, support for families and legal advice for women. The Liechtenstein Women's Network and the Equal Opportunities Unit launched joint projects and held regular meetings to discuss, inter alia, the work of women's organizations and draft legislation.

17. **Ms. Wieczorek** (Liechtenstein) said that a range of training programmes were carried out for judicial officials and the police on the Convention, the Optional Protocol to the Convention and the Gender Equality Act. The Office of the Public Prosecutor met every two weeks to discuss new legislation and the provisions of the Convention. Judges and candidate judges received training on international treaties, the Gender Equality Act, the complaints mechanism and laws relevant to women's rights, such as family and inheritance law. Judges also received lifelong training and could participate in consultations during the drafting of new legislative proposals.

18. **Ms. Amelikae** asked what specific efforts had been made to increase women's political participation under the coalition agreement between the two governing political parties to foster gender equality. It would also be interesting to know what additional steps had been taken to raise awareness of national anti-discrimination and gender equality legislation and improve women's access to justice in that context.

19. **Mr. Frick** (Liechtenstein) said that the coalition agreement contained various measures aimed at eradicating gender stereotypes and achieving de facto gender equality. The Government remained committed to promoting the participation of women in politics and the labour market and had established the Working Group on Family Policy with a view to helping women and men reconcile the responsibilities of work and family life. The Equal Opportunities Unit focused its efforts on achieving de facto gender equality and had devised numerous measures to combat gender stereotypes and violence against women. It monitored progress made in that regard and reported its findings to the parliament on an annual basis. Gender equality policy had been aligned with national sustainable development initiatives, particularly with respect to Sustainable Development Goal 5 on gender equality, and included the active participation of civil society and other relevant stakeholders.

20. **Ms. Bethel** said that she would like to know whether the Government intended to conduct an in-depth study into the impact of national fiscal policy on women in Liechtenstein and other countries. She also wished to know whether guidelines on handling

complaints relating to the gender impact of tax avoidance and financial transparency had been established.

21. **Mr. Bergby** asked whether consideration had been given to amending the laws on succession to the throne of Liechtenstein and adopting a system of absolute primogeniture.

22. **Ms. Hayashi** said that she would like further clarification of the State party's reservation to article 1 of the Convention.

23. **Ms. Schulz** said that she wished to know more about the recent changes to the national machinery for the advancement of women, including whether women's civil society organizations had been consulted on the abolition of the Equal Opportunities Commission and the establishment of the Equal Opportunities Unit.

24. **Ms. Hofmeister** asked whether Austrian judges working in Liechtenstein had received in-depth training on the provisions of the Convention.

25. **Mr. Frick** (Liechtenstein) said that Liechtenstein complied with all international financial reporting standards and had been one of the first countries to tackle tax evasion through the introduction of a comprehensive automatic exchange of information mechanism. National tax law also fully complied with all European Union standards. His Government had also implemented all the relevant European regulations on money-laundering. A survey on the gender impact of tax avoidance and financial transparency was therefore unnecessary. There were also no plans to change the line of succession or withdraw the country's reservations to article 1 of the Convention. There were a number of people working in the country's administration who commuted from Austria or Switzerland, including highly skilled persons in senior positions who were not nationals. As a small country, foreign workers played a crucial role in the effective functioning of the judiciary. Austrian and Swiss judges received the same training as national judges and were fully aware of the provisions of the Convention.

26. **Ms. Hayashi** said that she wished to know more about the establishment of the Association for Human Rights, including detailed information regarding the composition of the board and the number of women board members. She also wished to know whether the Government intended to increase the level of funding provided to the Association and strengthen its ability to participate in the investigation and prosecution of gender discrimination cases. It would be particularly interesting to learn whether steps had been taken to devise a national gender equality action plan with measurable targets and benchmarks to monitor progress.

27. **Ms. Ameline** said that she was concerned about the underrepresentation of women in decision-making positions in political and public life. She wondered what concrete steps would be taken to fully implement article 4 of the Convention and introduce special temporary measures, such as quotas designed to promote gender equality and uphold women's rights.

28. **Mr. Frick** (Liechtenstein) said that the Association for Human Rights was a fully independent body established in accordance with the Paris Principles. Women made up three out of seven board members, one of whom held the position of Vice-President. The Association would receive government funding of 350,000 Swiss francs (SwF) per year for the first three years. It could, however, seek additional funds from private stakeholders and other external sources where necessary. The Government did not intend to introduce a general national action plan to promote gender equality. It preferred to conduct targeted gender equality initiatives with measurable outcomes.

29. **Ms. Clavadetscher** (Liechtenstein) said that numerous measures had been adopted to encourage more women to run for political office and to increase gender equality in political life, including a training course for women interested in entering politics and a media awareness-raising campaign containing a series of portraits of former or current women parliamentarians. Parliamentary round tables had also been held to discuss the issue of women's political representation and facilitate the search for eligible women candidates.

30. **Mr. Frick** (Liechtenstein) said that the national machinery for the advancement of women comprised the Equal Opportunities Unit of the Office of Social Services and the

newly established, fully independent Association for Human Rights. The sharp decline in the number of women Members of Parliament following the 2017 election had prompted a lively political debate concerning the introduction of quotas. Public consultations had also been held on the issue. While there were no immediate plans to introduce that type of special temporary measure, the country's system of direct democracy provided for individuals to request a public vote to amend national legislation or the Constitution on the matter through the collection of 1,000 and 1,500 signatures respectively.

31. **Ms. Chalal** said that, despite the State party's efforts to challenge stereotypes, the measures undertaken had not succeeded in breaking them, as evidenced by: the sharp fall in the number of women elected to the parliament in the 2017 legislative elections; the perpetuation of stereotypical images of women in the media, in particular migrant women, women with disabilities and lesbian, bisexual women, queer and intersex persons; the persistence of traditional academic subject and career choices; domestic violence; intersex genital mutilation; and other negative consequences of gender stereotyping. She wished to know what steps the Government would take to eliminate discriminatory stereotypical attitudes to women's and men's roles in the family and society and whether the Government would involve men and boys more closely in the struggle against gender bias and implement a specific strategy to reject stereotypes, especially in areas where women were least represented. She asked whether the State party's 2017–2021 programme to combat gender stereotypes and promote equality was sufficiently funded and included an evaluation mechanism. She would also like to know whether Liechtenstein was taking steps to encourage women to participate in sport or envisaged taking action to change attitudes towards educational and career choices in order to facilitate women's access to careers in sectors that generated employment such as the digital industry.

32. **Ms. Acar** said that she wished to note the positive developments in the State party, including the adoption of the law on protection from violence and the signing of the Istanbul Convention. However, there was no law on gender-based violence and there were serious problems of implementation of the existing legislation and data collection on domestic and other forms of violence against women. A small, rich State such as Liechtenstein could become a model for other States. Liechtenstein should adopt a comprehensive law on gender-based violence against women, in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and the Istanbul Convention. She wondered whether the amendments to the Criminal Code had not benefited women because it remained difficult to bring charges against offenders as a result of a very heavy burden of proof carried by victims. Cases had reportedly been dropped or thrown out of court because of contradictory statements and the absence of ex officio prosecution. Moreover, there had been a decline in the number of protection orders issued since 2013, which also pointed to ineffective prosecution of offences committed against women. She wished to know what specialized training was provided to both prosecutors and judges on gender-based violence and whether it was based on the Convention on the Elimination of all Forms of Discrimination against Women and the Istanbul Convention, whether similar training was provided to the police and whether the school curricula had also been redesigned to include such subjects. According to the report, in 2016, the police intervened 19 times in cases of domestic violence, with 21 women and 8 men involved in the incidents. A protection order was issued in only one case, while the others were dealt with through police counselling or mediation. Such mediation was contrary to the Istanbul Convention. She would appreciate further information concerning those statistics.

33. **Ms. Gabr** said that the delegation's presentation did not mention the efforts of Liechtenstein to combat trafficking in women for prostitution. The Committee would welcome further information on the action envisaged to prevent and combat such trafficking. In its concluding observations on the fourth periodic report of Liechtenstein (CEDAW/C/LIE/CO/4), the Committee had noted that the State party had been focusing its efforts on night club dancers and had recommended that it should widen its scope to include other vulnerable groups, including asylum seekers and children. The "Magdalena" project for the prevention of trafficking and sexual exploitation of women working as prostitutes had been discontinued in 2016, as few cases of trafficking for prostitution had been detected. However, prevention and awareness-raising activities were effective in

combating trafficking for prostitution, and the Committee wished to know if the State party planned to introduce other such activities in the future. Unaccompanied minors were vulnerable to being used by organized trafficking rings for begging, stealing and sexual exploitation. She asked what measures Liechtenstein would be taking to combat trafficking and increase regional cooperation in that area. From 2009 to 2017, police had investigated seven suspected cases of trafficking for prostitution; four of those were still pending, while three had been dropped. She would appreciate further information on the root causes leading to prostitution in the four pending cases and on the impact of the international instruments on child pornography to which Liechtenstein was a party. She would also be grateful if the delegation could elaborate on the role of the Office of Social Services and on its composition and mandate.

34. **Ms. Kranz** (Liechtenstein) said that Liechtenstein held an annual event entitled "National Future Day: Change of Sides for Girls and Boys", which was designed to encourage boys and girls to explore occupations that were not traditionally associated with their gender rather than base their career choices on stereotypical roles. Many companies were actively participating in the event, as was the University of Liechtenstein, and media coverage was prominent and positive. The regional development project entitled "Subject: Role Models" was another example of Liechtenstein's efforts in that area. The education curricula strongly encouraged an open-minded attitude, and discrimination and gender issues were discussed in the classroom from kindergarten onwards. Teachers were given training in the use of gender-inclusive language, and teaching material was gender-sensitive.

35. **Mr. Frick** (Liechtenstein) said that a recent evaluation of the portrayal of women in the media had noted that the country adopted a factual, neutral style. From May to September 2018, in the build-up to the 2019 municipal elections, a newspaper campaign would present a series of features on eight politically active women aimed at encouraging other women to come forward as potential candidates.

36. **Ms. Wieczorek** (Liechtenstein) said that the legislation of Liechtenstein, although lacking a dedicated law against gender-based violence, provided comprehensive protection against such violence, notably under the Criminal Code. The law on sexual offences had just been revised to include offences such as: threats against close family members; stalking; and rape or sexual assault in marriages and domestic partnerships. Female genital mutilation was prohibited under the Criminal Code. The violence protection law provided for the preventive removal of perpetrators of violence from the homes of their victims. Victims' rights had been strengthened. The Criminal Code was undergoing a revision that would provide further protection for women, with increased penalties for perpetrators. The statute of limitation period for certain crimes had been extended. New offences had been introduced to include the offence of violation of sexual self-determination and the intentional luring of adults or children to another State for purpose of forcing them into marriage. The parliament would probably adopt those revisions in early 2019 to allow for the ratification of the Istanbul Convention. With regard to the question concerning women's reluctance to take cases of marital violence and domestic rape to court for fear of acquittal of the accused, she said that such cases were thoroughly investigated by the police and the Office of the Public Prosecutor. Cases of conflicting statements did not automatically result in dismissal. Liechtenstein possessed a dense network of institutions to provide both legal guidance and psychological support to women victims of violence.

37. **Mr. Schädler** (Liechtenstein), responding to the query as to why no protection orders had been issued, said that none of the 21 cases of domestic violence recorded in 2017 had required the issuance of a protection or restraining order. He himself had examined all 21 cases and had confirmed that there had been no grounds for such orders. For example, one case involved threats being made by a former husband living abroad while his former wife was still living in Liechtenstein; in a second case, the woman had already been in a women's shelter; in another case of serious domestic violence, the accused had been convicted and imprisoned. The police made full use of protection orders if and when they were required and were aware of the relevant provisions of the law. While the Magdalena project had been suspended, a summary of its most essential points had been produced at the Round Table on Human Trafficking — a regular meeting of various

authorities, victim assistance organizations and others involved in uncovering potential cases of human trafficking and promoting awareness-raising on the topic — and an information leaflet on rights and obligations for sex workers, dancers and disc jockeys had been published. In addition, the national police and the Migration and Passport Office would carry out further checks to monitor the residence status, employment conditions and salaries of those persons, and the participants in the Round Table would monitor the situation and take further action if needed.

38. **Ms. Walch** (Liechtenstein) said that Liechtenstein had increased the sentences for human trafficking provided for under the Asylum Act and Foreigners Act to bring them into conformity with those in Austria and Switzerland. The revised law contained provisions on aggravating circumstances resulting in heavier sentences. In 2017, Liechtenstein had received 152 applications for asylum, of which 63 were from women, most of whom were travelling with their husbands and families. Only five applications came from women travelling alone. In 2018, so far there had been 112 applications for asylum, including 25 from women, but only 3 from women travelling alone, with 1 application from an unaccompanied girl. The first questions asked in the asylum interview included whether the applicant had been subject to trafficking and what had been the travel route. The police and the Office of the Public Prosecutor would be informed immediately in cases of suspected human trafficking. There had been no such cases in the past two years. The law provided for an exemption from the cancellation of residence permits of foreign citizens in the event of a separation or divorce in cases in which they had been victims of marital violence. A court order was not required for such an exemption, as the authorities would accept a police report or a doctor's report as proof.

39. **Mr. Frick** (Liechtenstein) said that Liechtenstein was in the process of establishing a financial sector commission made up of prominent figures from the around the world to produce a set of tools to detect financial flows linked to human trafficking and modern slavery.

40. **Ms. Kranz** (Liechtenstein) said that, starting in the 2019/20 school year, media and computer science would be introduced from the first year of kindergarten and programming from the third class on. The Government was about to invest heavily to equip the classrooms with the necessary devices and to train the teachers for the new courses.

41. **Ms. Walch** (Liechtenstein) said that the Migration and Passport Office and the National Police of Liechtenstein held yearly regional consultations with the neighbouring countries Austria, Switzerland and Germany on migration issues, including human trafficking.

42. **Ms. Acar** said that she wished to know whether the decline in the number of protection orders was due to a decline in domestic violence and invited the delegation to expand on that issue. She would also like to have further details concerning the mediation provided by the police in cases of domestic violence.

43. **Ms. Gabr** said she wished to have more information on the role and mandate of the Office of Social Services and on the measures the State party had put in place to identify cases of exploitation of unaccompanied minors. While increasing sentences for human trafficking offences was important, it was not a solution in itself: awareness raising was essential.

44. **Ms. Chalal** asked whether there was not a correlation between organized religion and the persistence of stereotypes. She also wished to know why the "Subject: Role Models" project had been abandoned.

45. **Ms. Ameline** said that the State party should review its legislation and procedures in the light of general recommendation No. 35 (2017) as it prepared for ratification of the Istanbul Convention. She asked why the application of the recent law criminalizing hate speech, xenophobia and homophobia had been so infrequent, what sanctions had been given following the 21 police interventions for domestic violence in 2017, and how many of the 152 and 112 applications for asylum made respectively in 2017 and 2018 had been granted. She also wished to know whether Liechtenstein had effective systems in place to

combat cybercrime and whether international cooperation functioned well against all forms of pornography and sexual abuse.

46. **Ms. Wieczorek** (Liechtenstein) said that the judiciary received instruction on all new legislation as and when it came into force and would therefore have training on the Istanbul Convention as soon as it had been ratified. Judges would also be trained on the criminal law provisions that would be introduced in line with that Convention.

47. **Mr. Schädler** (Liechtenstein), referring to paragraph 46 of his country's periodic report, said that the 21 cases of domestic violence dealt with in 2017 had been carefully assessed by the national police, which had determined that no protection orders were necessary. In all cases, police mediation or counselling had been provided, criminal files had been opened and the matters had been referred to the Office of the Public Prosecutor, which had achieved four convictions. As regards cybercrime, mechanisms were in place to monitor child pornography online and prevent child sexual exploitation in cooperation with the United States authorities, the network of law enforcement agencies of the Internet Crimes Against Children Task Force Programme and the National Center for Missing and Exploited Children.

48. **Ms. Clavadetscher** (Liechtenstein) said that the mandate of the Office of Social Services included providing financial support to vulnerable groups of persons and implementing social projects. For instance, it managed several projects for young people. One such project was aimed at preventing young people from developing substance-abuse problems; another provided psychiatric and psychological services for persons experiencing mental health issues.

49. **Ms. Acar** said that she would urge the State party to review its use of police mediation, in particular in cases of domestic violence. The systematic use of such dispute resolution procedures was permitted neither under the Convention nor under the Istanbul Convention. In that context, the State party should consult the Committee's general recommendation No. 35 (2017) on gender-based violence against women.

50. **Ms. Clavadetscher** (Liechtenstein), replying to a question raised by Ms. Chalal, said that the "Subject: Role Models" project had not been suspended; rather, it had been implemented for a set period, which had now ended. Several of the project outcomes, such as the Role Models exhibition, were, however, still in use.

51. **Ms. Walch** (Liechtenstein) said that the Office of Social Services was immediately informed of any unaccompanied minors arriving in the country. It then assigned them to a guardian, or counsellor, and provided them with legal assistance. Unaccompanied minors were housed in special facilities for young persons, where appropriate services, such as counselling, were available. In 2017, 15 asylum seekers had been granted refugee status; a similar number had been accorded temporary admission status, which was similar to the European Union subsidiary protection status given to stateless persons or non-European-Union nationals. In the vast majority of asylum applications, however, the provisions of the Convention Determining the State Responsible for Examining Applications for Asylum Lodged in One of the Member States of the European Communities (the Dublin Convention) applied. Thus, most asylum seekers were transferred from Liechtenstein to the State responsible for processing their application.

52. **Mr. Frick** (Liechtenstein) said that, unlike in other European countries, many asylum seekers in Liechtenstein hailed from the countries of the Western Balkans, such as Serbia and the former Yugoslav Republic of Macedonia. Liechtenstein had participated in the relocation and resettlement scheme of the European Union, taking in refugees from Greece.

53. **Ms. Wieczorek** (Liechtenstein) said that, while the majority of the population of Liechtenstein was Christian, almost 6 per cent of habitants were Muslim. The results of a survey on the situation of Muslims in the country, including the impact of religion and stereotypes, had recently been published. Regarding hate speech, the Violence Protection Commission was the entity responsible for combating violence in the public sphere, including ideologically and religiously motivated extremism. In that connection, a project had been launched to heighten media awareness about hate speech against women and

sexual minorities and inform them of the relevant national and international legal standards. Lastly, the Liechtenstein Association for Human Rights had recently investigated and taken to court a case of alleged discrimination on the basis of sexual orientation.

Articles 7 to 9

54. **Ms. Ameline** said that she wished to know whether the results of the survey on the Muslim population would be used to develop integration policies. Regarding women's participation in public and political life, although the drop in the number of women in the parliament was alarming, it provided an opportunity for the Government to revisit its policies and introduce a battery of measures to foster women's greater representation, including through dialogue with political parties, incentives and quotas. In that connection, she wondered what measures were envisaged to increase women's participation in the 2019 municipal elections. In view of the country's small population, a comprehensive human resources strategy for civil servants was needed in order to prepare and train women, develop indicators to foster women's leadership and increase their representation on executive boards.

55. **Mr. Frick** (Liechtenstein) said that, while women's political representation had fallen, the number of women occupying leading roles in the public administration had actually doubled. Efforts were now focused on drafting a human resources strategy for the civil service, with an emphasis on women's empowerment and leadership.

56. **Ms. Clavadetscher** (Liechtenstein) said that, following the 2017 elections, a study had been conducted to find out why so few women had chosen to stand for election. The findings revealed that many women felt too overburdened by family and work responsibilities to run for public office. Discussions had been held with political parties, with many agreeing to take action to encourage more women candidates ahead of the forthcoming municipal elections. Other initiatives to boost women's political presence were also being considered, including finding ways to ensure that political parties assumed their responsibilities in that regard. A well-established politics course for women was one measure that had successfully fostered women's participation in public and political life. For example, some 70 per cent of women on the boards of NGOs were graduates of the course. Two new modules — one on social media training, the other on gender and diversity — were being added to the 2019 syllabus.

57. **Ms. Ameline** said that she would be interested to know whether there were plans to foster gender parity in party lists and, if so, whether they would be provided for in law or through incentives. She wondered whether any initiatives with the private sector were in place to ensure that women were broadly represented at all levels of the business world, including through recruitment, training, appointment and promotional opportunities. Similarly, she asked whether private enterprises were involved in the United Nations Global Compact, which sought to foster corporate responsibility in the areas of human rights, labour, environment and anti-corruption. Industry players could play a crucial role in increasing women's representation on executive boards and boosting women's leadership.

58. **Mr. Frick** (Liechtenstein) said that the law did not currently provide for gender parity in party lists. Seats on boards of publicly owned companies and associations were open to all persons in Liechtenstein.

59. **Ms. Walch** (Liechtenstein), giving an overview of the politics course mentioned by her colleague, said that, in addition to the teaching aspect, the course offered networking opportunities and prepared women for leadership positions.

60. **Mr. Matt** (Liechtenstein) said that a number of private companies in Liechtenstein had recently been admitted to the United Nations Global Compact Network Switzerland, which promoted corporate responsibility and sustainability, with a view to creating a local network in the country. The private sector was therefore well aware of the importance of the Sustainable Development Goals and the role it could play in their achievement.

Articles 10 to 14

61. **Ms. Eghobamien-Mshelia** said that, despite gender-neutral legislation in the field of education, there were significant disparities in the education and training of girls and boys, particularly in higher education and in subjects traditionally dominated by men. She wished to know what steps the State party was taking to remove barriers to women's university education and encourage educational institutions and employers to train and recruit women in non-traditional courses and professions. Referring to paragraph 88 of the State party's report, regarding efforts to optimize the transition from compulsory to further education, she would be interested to know whether the related measures were gender sensitive and whether there had been any measurable impact on the career choices and vocational, professional or entrepreneurial skills of girls and boys. She wondered why the project only started in the ninth grade of secondary school, since pupils should be thinking about which subjects to study for their future career prospects much earlier. She asked whether any comprehensive analysis had been undertaken to identify why girls seemed to be underperforming in the annual standard examination and what solutions had been implemented to reverse that trend, which was often linked to teaching methods and health, cultural and environmental factors. In that connection, she would be interested to know whether teachers and schools were accountable for the poor performance of their students, what teacher training was provided to improve the situation and whether any remedial classes were available to help girls to overcome the challenges they faced. Information on scholarships and other incentives aimed at bridging the educational gap between girls and boys and on the mechanisms in place to enable students to report bullying and sexual harassment should also be provided.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1607

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1607th meeting
Held at the Palais des Nations, Geneva, on Thursday, 5 July 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Liechtenstein (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Liechtenstein (*continued*) (CEDAW/C/LIE/5; CEDAW/C/LIE/QPR/5)

1. *At the invitation of the Chair, the delegation of Liechtenstein took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Mr. Schädler** (Liechtenstein), concerning the question raised about mediation and the national police, said that a whole network of professionals came into play in cases of domestic violence, not just the police. In domestic violence cases involving asylum seekers, a copy of the police report was transmitted to both the Office of the Public Prosecutor and the Migration and Passport Office. Where children were involved, a copy was also transmitted to the Office of Social Affairs for the sake of the health or well-being of the child. In addition, a crisis intervention team was on hand to provide psychological support. Victims were informed of the available services. Counselling was available for perpetrators of domestic violence as well.

3. **Mr. Bergby** said that, while it was reassuring that the State party's reasons for not joining the International Labour Organization (ILO) and ratifying its core conventions were unrelated to the content of the conventions, it would be interesting to know whether labour standards in Liechtenstein were as high as in ILO conventions and whether the spirit of those instruments was taken into account in drawing up employment legislation. It would also be interesting to know whether there were any areas where the conventions provided greater safeguards than national law and whether the working conditions of migrant domestic workers were regulated in the same manner as other domains.

4. Noting that 7 per cent of the gender pay gap in Liechtenstein could not be explained by factors such as training and industry type and that women had lower pensions because they were paid less from the start of their career, he wished to know how the State party intended to enforce the principle of equal pay for work of equal value. He also wished to know whether it planned to check collective bargaining agreements to ensure that they were not discriminatory and to set up an online pay calculator that would be fed with independent, reliable and transparent data. In the light of the number of women who left the job market after having children, he would appreciate information on plans to increase the amount of paid maternity leave, introduce paternity leave and promote flexible working arrangements for both parents.

5. **Ms. Hofmeister** said that, as women's sexual and reproductive health was tied to several human rights, it was essential that the relevant health-care services were available, universally accessible and of good quality. She was perplexed by the 2015 amendment of the Criminal Code, which appeared to decriminalize access to abortion but not the performance of the procedure. She wished to know how many abortions had been performed since the law was amended to decriminalize abortion on certain grounds, how many requests for abortion had been denied and how many women had travelled abroad to undergo an abortion. Similarly, it would be useful to know what steps were being taken to prevent teenage pregnancies, how many early pregnancies had been recorded since 2011 and whether contraceptives were available free of charge or were covered by basic insurance, including for female domestic workers in private households.

6. Intersex genital mutilation was a harmful practice under the Convention but was still performed in Europe, including in the State party, and had been criticized by the Committee and the Committee against Torture. Liechtenstein, by paying for the procedure and entering into contracts with the foreign hospitals where the procedure was performed on its nationals, was in breach of its extraterritorial obligations. Accordingly, she wished to know what urgent steps the State party intended to take to end such a serious and structural violation of human rights and change its relevant health policy. In addition, she would

appreciate receiving data spanning the past 10 years in order to ascertain what progress had been made in the State party.

7. Noting some alarming trends, especially among girls, with regard to alcohol, tobacco and cannabis consumption and excessive video gaming, she said that health care for children and young people should include addiction prevention programmes. Therefore, she would appreciate the delegation's comments on the steps being taken to reverse those trends, preserve the physical and mental health of young people and promote safe Internet use. It would also be interesting to know what was being done to regulate online gambling.

8. **Ms. Kranz** (Liechtenstein) said that the public school system was of a very high standard, and girls generally outperformed their male peers, in particular at the upper secondary level. Furthermore, 70 per cent of children with special needs were boys. However, it was true that migrant girls and women were at a disadvantage, which was the reason why counselling had been made available. The country's population and size made it easier to identify pupils who were at risk of dropping out of school and provide them with the necessary personalized counselling and mentoring. Given that most students went abroad after completing their compulsory education, it was difficult to monitor their educational achievement owing to restrictions on the exchange of data between countries due to privacy concerns. Nevertheless, Liechtenstein was currently negotiating with the Swiss authorities to allow closer tracking of students at the upper secondary level and above. It was also true that women were underrepresented at Liechtenstein universities, accounting for less than 40 per cent of the student body. However, national statistics were not indicative of reality as the limited course offering meant that 95 per cent of students studied in foreign universities.

9. She was pleased to inform the Committee that a new national education monitoring report was under development. Annual testing was already conducted in mathematics, German and English. Any discrepancies in performance along gender lines were scrutinized and acted upon where appropriate. However, the tests revealed only minor differences and only in mathematics and German; boys tended to be stronger in the former while girls performed better in the latter, a common outcome in other countries as well. Measures were nonetheless taken to attract young women to science, technology, engineering and mathematics (STEM) and children were encouraged at an early age to make educational choices based on their interests and abilities rather than on their gender. The pepperMINT experimentation laboratory, whose purpose was to interest children in science, had seen impressive growth in its first year and offered a number of projects tailored to girls. The pepperMINT instructors were chiefly young women.

10. **Mr. Frick** (Liechtenstein) said that, owing to its small size, Liechtenstein had chosen to focus its resources on the United Nations, the World Trade Organization, the Council of Europe and other organizations it considered a priority. Although there were no plans to join ILO in the near future, Liechtenstein considered its labour standards to be very high. Indeed, as a member of the European Economic Area, it had had to incorporate all directives into its national legislation, including those on the progressive implementation of the principle of equal treatment for men and women in matters of social security, self-employment and access to goods and services. Migrant workers enjoyed the same labour rights as anyone else in Liechtenstein, were covered by collective bargaining agreements and were subject to the same conditions, including with regard to termination.

11. **Ms. Walch** (Liechtenstein) said that all migrant workers, except for Swiss nationals, required work permits. When applications for such permits were filed at the Migration and Passport Office, the applicants' employment contracts were checked to ensure that their salaries complied with labour legislation and the relevant collective employment agreement. A specific commission was responsible for checking whether employers complied with the rules contained in collective employment agreements, which also applied to migrant workers. In 2017, the Government had implemented Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, which had further strengthened the rights of migrant workers.

12. **Mr. Frick** (Liechtenstein) said that, in 2016, the gender pay gap for women and men aged between 20 and 24 years had stood at only 0.2 per cent. However, the Government acknowledged that, in general terms, a gender pay gap continued to exist although it had fallen slightly between 2014 and 2016.

13. According to the results of two surveys on wages in the civil service, carried out in 2007 and 2012, no wage discrimination existed in that sector. The Progressive Citizens' Party, which held a majority in the Government and in the parliament, had recently raised a parliamentary question on the gender pay gap to which the Government was required to respond before the end of 2018. The aim of the question was to determine the reasons behind the pay gap, what steps were being taken to address it and what measures other States were taking in that regard. Under the Gender Equality Act, women subjected to wage discrimination were able to take legal action against their employers.

14. **Ms. Wieczorek** (Liechtenstein) said that, in 2017, the Working Group on Family Policy had conducted a survey in which parents had been asked to express their views on parental leave. The results of that survey, which were currently being evaluated by the Working Group, would inform any future policies on parental leave.

15. Criminal charges were no longer brought against women who had abortions, including abortions performed abroad, and physicians were no longer punished for carrying out abortions under the circumstances provided for by law. According to figures provided by the Liechtenstein Association of Sickness Insurance Funds, 12 of the abortions performed in 2017 had been covered by compulsory health insurance. The Sophie von Liechtenstein Foundation, which provided counselling services to pregnant women, had informed the Government that around 40 women had abortions, miscarriages or stillbirths each year.

16. A counselling office provided advice to pregnant women, their partners and families, women who had miscarriages or stillbirths and women suffering from post-natal depression. The office also undertook actions aimed at preventing unwanted pregnancy and employed experienced midwives who provided advice on the rights of pregnant women, financial matters relating to pregnancy and childbirth, childcare and returning to work after giving birth.

17. All women in Liechtenstein, irrespective of their age or nationality, had access to contraception. Although condoms could be bought in shops, all other forms of contraception could be obtained only through medical prescription following a prior consultation with a doctor. Contraception was not free of charge but was covered by compulsory health insurance, to which all individuals, including women refugees and asylum seekers, were required to subscribe.

18. **Mr. Frick** (Liechtenstein) said that no data was currently collected on the prevalence of intersexuality in Liechtenstein. On the basis of data provided by neighbouring countries, it was estimated that approximately 1 out of every 4,000 children born in Liechtenstein was intersexual and that some 10 intersex persons were currently living in the country. Owing to the fact that paediatricians in Liechtenstein did not have sufficient experience of treating intersex children, such children were generally referred to specialists in Switzerland or Austria. Psychological support, covered by health insurance, was available for intersex adults and intersex children and their parents. The cost of seeking treatment abroad was also covered by compulsory health insurance.

19. **Ms. Kranz** (Liechtenstein) said that school social workers and psychologists undertook actions to prevent the abuse of drugs, alcohol and tobacco by adolescents in lower secondary school. Prevention projects and actions were conducted on a regular basis at several levels of the school system. School social workers cooperated closely with the Office of Social Affairs to support adolescents identified as having severe problems with substance and alcohol abuse.

20. **Mr. Bergby** said that, in view of the fact that educational levels among young women were generally high, the Committee was surprised to note that there was a gender wage gap for men and women aged between 20 and 24 years. Although the Committee acknowledged that the pay gap in the civil service, which stood at over 20 per cent, was not

the result of direct discrimination, it urged the Government to take measures to reduce it. Where flexible working arrangements were concerned, the Committee recommended that women should be given the right to reduce the number of hours that they worked rather than the total amount of leave that they took. The Committee would welcome further information on reports that women had been dismissed from their jobs on the day that they returned from maternity leave.

21. **Ms. Eghobamien-Mshelia** said that she wished to know whether female students who went abroad to study at higher education institutions returned to Liechtenstein to find work. Noting that schools used the services provided by the pepperMINT experimentation laboratory on a voluntary basis, she would appreciate further information on the number of schools that used those services and whether the laboratory was fulfilling its intended purpose. Lastly, she asked whether recruitment drives were carried out to enable women graduates to find good jobs in the private sector and thereby encourage other women to pursue higher education.

22. **Ms. Ameline**, noting that flexible working arrangements and other measures that benefited parents had been introduced in the banking sector, said that she wished to know what steps were being taken to ensure that employees in other sectors could benefit from such arrangements, which were necessary to ensure that women who had children did not fall behind men on the career ladder. The Committee would welcome further information on measures taken to ensure that migrant children were integrated into the education system.

23. **Mr. Frick** (Liechtenstein) said that the gender pay gap for persons aged between 20 and 24 years was so small as to be insignificant. The delegation was unaware of any cases in which women had been dismissed from their jobs after returning to work from maternity leave.

24. **Ms. Wieczorek** (Liechtenstein) said that the Liechtenstein Chamber of Commerce and Industry worked with its member companies to increase the availability of flexible working arrangements, part-time work and telecommuting. Some employers provided their own childcare facilities while others helped their employees to find childcare elsewhere. The Working Group on Family Policy was examining ways of better managing the demand and supply of childcare services.

25. Part-time positions in the civil service had been available for many years. Currently, some 30 per cent of civil servants worked on a part-time basis. Measures were being taken to raise employees' awareness of their right to work part-time, take paid maternity leave and return to work after taking maternity or parental leave.

26. **Mr. Frick** (Liechtenstein) said that there was no gender pay gap at all in the diplomatic service. Furthermore, two wage surveys conducted in 2007 and 2012 had found no wage discrimination.

27. **Ms. Ameline** said that, when men and women started similar careers at the same stage, men would have earned more than women by the end of their careers. Often, that was due to women missing opportunities for promotion owing to family responsibilities.

28. **Mr. Frick** (Liechtenstein) said that women held key positions in the diplomatic service; 50 per cent of the country's ambassadors were women, for example.

29. **Ms. Eghobamien-Mshelia** said that she would appreciate comments on the private sector's commitment to advancing gender equality, the articles of the Convention and other global instruments such as the Sustainable Development Goals, particularly through the corporate social responsibility policy of private companies. She would be interested to learn whether leading companies in Liechtenstein had adopted the United Nations Global Compact principles on gender equality and whether that was evident in the projects that they financed. She wondered which specific sectors had those companies in recent years invested in and to what extent were the investments gender-sensitive. According to alternative sources, 7 per cent of the profit generated by private companies was used to finance overseas development projects. It would be helpful to know to what degree a gender perspective was incorporated into those projects and how many of them actively supported women and promoted their rights. The delegation might wish to mention any

pacts, agreements or memorandums of understanding with international organizations to enable women in Liechtenstein to improve their economic status. To what extent were private companies held accountable when channelling profits towards the express needs of women and girls? She wished to know whether private companies sponsored any sporting activities that catered to the recreational needs of women and, if so, which ones. She wondered whether companies were aware of the "leave no one behind" principle of the Sustainable Development Goals and whether a plan of action or strategy was in place to ensure that women in Liechtenstein were not left behind in economic terms.

30. The services introduced by the Liechtenstein Bankers Association to assist employees in reconciling work and family life was a positive development. However, she wondered whether the services also applied to families outside the banking sector and, if so, how affordable they were to such families and how the services were extended to cover them. She would be interested to hear what policies were in place to safeguard workers outside the banking sector. The delegation might wish to comment on concerns that the financial burden posed by contributions would place the scheme outside the reach of average women and their families.

31. She invited the delegation to elaborate on the Profile+ project run by the non-governmental organization (NGO) Infra Information and Counselling Centre for Women. In particular, it would be helpful to know what financial contribution was required of participants, how many people had benefited to date and what range of services were available to participants. She asked how the needs of low-income women who were unable to contribute were met.

32. The fact that 90 per cent of the beneficiaries in the "Coming Back" programme were women suggested that the social benefits enjoyed by women were inadequate, thereby forcing them to rejoin the labour force in old age. She wished to know whether any economic packages and incentives were available to expand women's economic opportunities and promote businesses led by women. It would also be helpful to learn whether women were involved in procurement and whether they were recruited as suppliers or contractors. What kinds of special incentives, business facilitation grants or incubation schemes were available?

33. **Ms. Nadaraia** said that she would appreciate information as to how women benefited from the development of mountain agriculture and the extent to which the interests of women involved in that industry were taken into account. She wished to know whether other kinds of sustainable development projects were under way in Liechtenstein and, if so, she would appreciate details of the role women played and the advantages women gained from those projects. She invited the delegation to elaborate, with concrete examples, on the actions of the State party in international advocacy and humanitarian cooperation and development projects to protect and promote the rights of women and girls. Lastly, she would be interested to learn more about the strategies related to the Sustainable Development Goals, in particular the role reserved for women in defining and implementing those strategies.

34. **Ms. Wieczorek** (Liechtenstein) said that only employees in the banking sector benefited from the initiatives to reconcile work and family life. The Government worked with the private sector in establishing a road map towards achieving Goal 5 on gender equality and the empowerment of women and girls.

35. **Mr. Frick** (Liechtenstein) said that, in 2018, the largest company in the industrial sector, Hilti, had held the first dialogue on development in which it had affirmed its commitment to the Sustainable Development Goals. Furthermore, the chief executive officer of private banking and asset management group LGT had done likewise. The Government ran humanitarian and development projects for women that focused on education, entrepreneurship and the economic empowerment of women. Women were offered microcredit and provided with information on how to start their own business and how to draft business plans as part of those projects. The agricultural sector accounted for only a very small proportion of the country's gross domestic product (GDP) and employed very few women.

36. **Ms. Wieczorek** (Liechtenstein) said the fact that the high participation of women in the "Coming Back" programme was a reflection of its success, since the aim was to help reintegrate women into the labour force after taking leave to raise children, for example.

37. **Mr. Matt** (Liechtenstein) said that Geneva Call, which advocated, inter alia, for the protection of women and children in armed conflict, was an example of an NGO that the Government supported.

38. **Ms. Clavadetscher** (Liechtenstein) said that most women's organizations in the country, including the Women's Home, the Human Rights Association and the Parent Child Forum, had a services agreement with the Office of Social Services. The Office provided the organizations with funding on a yearly basis and met with them three to four times every year to assist with any problems and to discuss any current and future projects.

Articles 15 and 16

39. **Ms. Ameline** said that the country had widely approved, via a referendum, a law that had been passed in 2011 recognizing same-sex unions through registered partnerships. She wished to know whether the law had been evaluated and whether there was genuine equality between registered partnerships and traditional marriages. An amendment to the custody law had entered into force in 2015, which sought to take better account of children's best interests and to protect them from domestic violence. Nevertheless, according to alternative sources, the protection of the best interests of the child might, on occasion, come second to having balanced custody arrangements, thereby potentially exposing children to violent parents. She would be interested to learn how custody arrangements were decided upon in divorce cases involving domestic violence. Recalling the Committee's general recommendation No. 29 (2013), she wondered whether the State party had conducted an in-depth evaluation of the economic consequences of divorce, in line with the Committee's recommendation in its previous concluding observations (CEDAW/C/LIE/CO/4, para. 43 (a)). She also wished to know whether the State party envisaged reviewing further its legislation governing the share of inheritance of surviving spouses or registered partners in the light of that general recommendation.

40. **Mr. Frick** (Liechtenstein) said that no evaluation had yet been conducted of the new Registered Partnership Act.

41. **Ms. Wieczorek** (Liechtenstein) said that the welfare of the child was paramount in all court decisions affecting children. In the event of conflict between the child's welfare and the parents' interests, the child's welfare always came first. Psychological assessments were carried out to determine the best interests of the child and any confirmed instances of domestic violence were taken into account in the court's decision. The parents' right of access to the child was denied wherever the child's welfare was considered to be at risk or his or her psychological or moral development was threatened. Nevertheless, those considerations had to be balanced with the right of parents to have access to their children. The children's statements were also taken into consideration within the context of all the facts known to the court, bearing in mind that parents often had a strong influence on their children.

42. No analysis had been conducted of the economic consequences of divorce for both spouses. The independent Human Rights Status Report had yielded no clear results thus far. The Labour Market Service offered advice, support and training to facilitate re-entry into the workforce after career interruptions owing to factors that included separation or divorce. Divorced or separated persons accounted for 33 per cent of those who used the Service.

43. **Ms. Ameline** said that general recommendation No. 29 (2013) was a very useful tool in bringing to light discriminatory law provisions that were not obvious at first glance. Eliminating all types of inequality — both de facto and de jure — between civil partners or spouses was of utmost importance.

44. **Mr. Frick** (Liechtenstein) said that the delegation was grateful for the constructive dialogue and looked forward to receiving the Committee's concluding observations, which had been and continued to be a powerful tool to stimulate debate and bring about change for the better.

The meeting rose at 4.35 p.m.

United Nations CEDAW/C/SR.1608

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1608th meeting
Held at the Palais des Nations, Geneva, on Friday, 6 July 2018, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Ninth periodic report of Mexico

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Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Ninth periodic report of Mexico (CEDAW/C/MEX/9; CEDAW/C/MEX/Q/9 and CEDAW/C/MEX/Q/9/Add.1)

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*

2. **Mr. Ruiz Cabañas** (Mexico), introducing his country's ninth periodic report (CEDAW/C/MEX/9), said that the recent elections had seen a record number of women candidates, which had led to increases of 17 per cent and 6 per cent in the number of women elected to the Senate and the Chamber of Deputies respectively. While those results demonstrated the significant progress made towards promoting women's political participation, further work was required to achieve gender equality in other areas of life. As a federal State with a complex governance structure, Mexico faced various challenges to the effective implementation and coordination of gender equality policies and the roll-out of programmes to combat gender-based violence against women. Several coordinating bodies had therefore been introduced with a view to harmonizing work in the field of women's rights, including the national system for equality between men and women and the national system to prevent, address, punish and eradicate violence against women.

3. In addition to the challenges associated with its complex federal system, as a multi-ethnic and multicultural nation, Mexico was also affected by considerable social and economic inequalities and experienced high levels of violence, crime and corruption as well as significant internal and international migratory flows. That combination of factors had contributed to discriminatory practices and negative gender stereotypes against women, particularly indigenous women, women with disabilities and lesbian, bisexual, transgender and intersex women. To combat those challenges, the Government had adopted several laws and policies aimed at breaking down patriarchal attitudes and promoting the rights of women, including the General Act on Women's Access to a Life Free of Violence, the Federal Act on the Prevention and Elimination of Discrimination and the General Act on Equality between Women and Men. A gender perspective had also been incorporated into recently adopted legislation and gender mainstreaming had been introduced across all government departments.

4. The Government was committed to implementing the provisions of the Convention and had identified several key areas requiring attention. They included: allocating greater budgetary resources to special temporary measures; promoting women's participation in the labour market; supporting women's economic empowerment; further bolstering the national machinery for the advancement of women; strengthening the implementation and assessment of gender policy at all levels of government; increasing institutional coordination in the fight against violence against women; strengthening protection measures to support women victims; and ensuring women's access to justice. The Government was determined to intensify its efforts in that direction and to accelerate the achievement of de facto equality between women and men.

Articles 1 to 6

5. **Ms. Schulz**, stressing that the Congress rather than the federative entities should take the lead in implementing the Convention, asked whether the State party would give Congress the authority to enact laws on Convention-related issues in order to prevent federative entities from legislating on those matters and ensure the adoption of harmonized legislation addressing systemic and intersectional discrimination and containing consistent definitions and sanctions for, inter alia, femicide, enforced disappearances of women and girls, abortion, human trafficking and gender-based violence that would guarantee protection for the rights of women throughout the country. She would also welcome information regarding the efforts made to accelerate and strengthen the implementation of legislation and policies aimed at promoting gender equality and combating gender-based

violence, including whether a plan of action prioritizing the implementation of the most important policy instruments had been established.

6. Noting the increasing violence and high level of stigmatization facing women journalists and human rights defenders, she wished to know whether the federal mechanism to protect human rights defenders and journalists would adopt a gender-specific approach to the risks faced by such women and publish a map detailing the location of attacks so as to combat such offences more effectively. It would be particularly interesting to learn whether the Government intended to reinstate the budget allocated to the mechanism so that it could fulfil its mandate and protect women across the country more effectively, specifically indigenous women human rights defenders.

7. Regarding access to justice, she asked whether action would be taken to amend the Federal Act on General Transparency and Access to Public Information so as to make all court rulings readily available to the public. She also wondered whether the protocol on issuing gender-sensitive judgments had been implemented by all justice institutions at all levels and whether all stakeholders in the justice system had received mandatory training on women's rights. Further information on the steps taken to ensure the access of indigenous women to federal and state justice systems and to strengthen the capacity of indigenous justice mechanisms to respect women's rights would also be welcome in that context. It would be particularly helpful to know what efforts had been made to bolster the operation of the 35 justice centres in order to reduce disparities in the consistency and quality of services they provided, and to evaluate the recently introduced accusatorial system to assess whether it had reduced impunity for crimes against women and lowered the number of women in pre- and post-trial detention. Lastly, she wished to know what steps would be taken to restrict the pretrial detention of women to exceptional cases only; to eliminate acts of torture against women, specifically the use of sexual torture to obtain forced confessions from women accused of drug offences; and to improve the overall detention conditions of women.

8. **Ms. Gastélum Bajo** (Mexico) said that, while progress in some areas had been slower than desired, the Government remained committed to upholding the rights of women and promoting gender equality and had prioritized the elimination of violence against women, particularly femicide. Numerous measures had been adopted to that end, including the introduction of protection orders, the development of a public register of crimes committed against women, the establishment of a gender violence alert mechanism and the launch of various awareness-raising campaigns.

9. **Mr. Ruiz Cabañas** (Mexico) said that Mexico was committed to implementing the 2030 Agenda for Sustainable Development at all levels of government and that the Sustainable Development Goals, including Goal 5, which was to achieve gender equality and empower all women and girls, were key criteria in all federal budgets. The next Administration, which would take power at the end of 2018, would certainly maintain that commitment. To follow up on implementation of the 2030 Agenda, a national council that was chaired by the President of the Republic and included representatives of civil society had been established, together with 20 state-level councils.

10. **Mr. Avante Juárez** (Mexico) said that, to enhance protection for journalists and human rights workers, the Government had developed a new risk evaluation system that took account of specific factors such as gender, vulnerability, discrimination and the relationship between at-risk persons and their aggressors. The new system would be trialled in the near future and was expected to be adopted by the Government in August 2018. The federal mechanism to protect human rights defenders and journalists had received State funding of Mex$ 200 million for 2018, which was more than it had been allocated in all previous years combined. The mechanism now also benefited from a 24-hour mapping system for monitoring risks and incidents of violence that had been recognized for its technological innovation.

11. **Mr. Robledo Flores** (Mexico) said that the new criminal justice system in Mexico took account of the intercultural and multilingual nature of the indigenous population and also of gender perspectives. It also now offered a special public defence service for indigenous peoples. Other measures introduced to guarantee access to justice for

indigenous women included an assistance programme that provided legal aid and translation from and into indigenous languages during proceedings. Since 2013, 5,000 people, including almost 500 women, had benefited from that programme. Since article 2 of the Constitution of Mexico allowed indigenous Mexicans to resolve conflicts within their own communities, local-level indigenous conflict resolution procedures could be used in preference to proceedings under national law.

12. **Ms. Luna Ramos** (Mexico) said that all rulings handed down by the Supreme Court of Mexico, the Council of the Federal Judiciary and the Electoral Tribunal of the Federal Judiciary were made publicly available: the Council of the Federal Judiciary had issued an express communication to that effect. However, only 47 per cent of rulings handed down by local courts were made publicly available. Although the Federal Act on Transparency and Access to Public Information restricted publication of rulings to those of national interest only, the courts had not applied that restriction. The Council of the Federal Judiciary made rulings available to the public via two separate Internet sites.

13. **Mr. Avante Juárez** (Mexico), acknowledging that much remained to be done to improve conditions for women in detention, said that some progress had been made in reducing overcrowding in women's prisons, the average prison occupancy rate having fallen from 130 per cent in 2013 to 110 per cent at present. In addition, a programme promoting non-custodial penalties for indigenous women had been established; around 500 women had been released from prison since 2013; and legal advice had been provided to over 26,000 women. A separate programme designed to support children living in detention was in the development stage and was already being piloted. The prison authorities were also endeavouring to work more closely with the health authorities in order to improve the psychological and medical care provided to women in detention; at present, the prison service had only 90 psychological support staff for a total of 130 detention centres.

14. **Ms. Schulz**, noting that her question regarding the need to give Congress the authority to enact laws on Convention-related issues remained unanswered, said that the underlying rationale was to ensure a unified legal system, without disparities between the state and federal levels. Despite the responses given, she remained concerned that rulings issued by state-level courts were not being published. In some state courts, no rulings had apparently been made public for over two years.

15. Noting that many women were in detention for drug-related offences and almost all of them were being held for non-violent offences, she asked whether the State party was ready to avail itself of locally implemented non-custodial solutions that allowed women to maintain links with their families and fulfil their childcare responsibilities. She would also be grateful for an explanation as to how the authorities intended to allay indigenous women's lack of trust in the legal system and how the practical difficulties that impeded their access to justice, such as the distance they might need to travel to attend court and the expenses they might incur, could be overcome.

16. **Ms. Manalo** said that she would like to know whether the Government had opened up recruitment to the land, sea and air branches of the armed forces to women and, if not, whether it intended to do so.

17. **Ms. Arocha Domínguez** asked whether the Government had considered the possibility of developing a strategy for ensuring women's contribution to peace and security negotiations and operations and what measures it had taken to ensure that gender was taken into account when dealing with situations of internal forced displacement.

18. **Ms. Gastélum Bajo** (Mexico) said that the Government wished to establish a unified legal system and that steps had been taken in that direction, the laws on torture and enforced disappearances and the General Act on the Rights of Children and Adolescents Rights, all of which took precedence over state legislation, being notable cases in point. However, although a single consolidated code of criminal procedure had been established, a single criminal code, that encompassed issues including abortion, equal marriage, family rights and adoption, was still lacking. That lacuna needed to be filled as a matter of urgency.

19. **Mr. Ruiz Cabañas** (Mexico) said that the General Act on the Prevention, Investigation and Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act had come into force in 2017. A federal law on enforced disappearances had also been drafted, with the participation of civil society and family members of disappeared persons and with United Nations assistance, to ensure alignment with international standards. Although those laws did not refer specifically to women, they obviously served to enhance women's rights.

20. **Ms. Luna Ramos** (Mexico) said that non-publication of judicial rulings was a problem in local courts only. Those courts were independent, and organizational or budgetary problems might impede publication. It would be helpful to the Government if the Committee could make a specific recommendation in its concluding observations that all court rulings issued in Mexico should be made public.

21. **Mr. Avante Juárez** (Mexico) said that Mexico gave due importance to the issue of pretrial detention, which should be an exception rather than the rule. Efforts were being made to ensure that women in pretrial detention were held close to their homes and had access to their children and families. The new criminal justice system would allow Mexico to make progress in those areas.

22. **Mr. Lara Cabrera** (Mexico) said that the Government was working with civil society to ascertain the number of women held in pretrial detention for non-violent offences and assess their situation. The aim was to put forward public policy proposals that took account of the particular vulnerability of women in detention, drawing on past experience of the use of non-custodial sentences in Mexico.

23. **Mr. Ruiz Cabañas** (Mexico) said that the Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem supported a proposal tabled by Mexico in recommending that States should aim to use measures other than custodial sentences. The Government of Mexico had found the Outcome Document to be a highly useful resource for promoting alternative penalties, and although an extensive national programme of non-custodial measures had yet to be developed, the authorities were working to that end.

24. **Mr. Robledo Flores** (Mexico) said that the distrust in federal and state justice felt by indigenous people was understandable given that for many years the legal system had failed to take account of multilingualism, indigenous culture or even gender perspectives. However, the Government was endeavouring to gain the trust of indigenous women with various new programmes, including a conditional release programme under which support was provided by indigenous lawyers and interpreters; a special defence programme intended to ensure that no provision of domestic laws encroached upon the human rights of indigenous women; and a third programme under which ongoing training was provided to members of the judiciary to increase their knowledge of indigenous culture, language and customs.

25. **Ms. Herrerías** (Mexico) said that other programmes in place included an agreement with the National Institute of Indigenous Languages to ensure that all indigenous women had access to an interpreter who spoke their language and the "*Repensar*" (Rethink) crime prevention programme intended to prevent prison admissions for certain ex officio offences such as possessing a weapon and in the case of juveniles, any non-serious offence. The programme was currently operating in 11 states but the Government hoped to expand it nationwide. Under the programme, offenders received six months of behavioural therapy and guidance towards education and vocational training.

26. **Ms. Bethel**, noting that all 32 federative entities had systems for the advancement of women and that there were over 500 municipal branch offices, asked how the work of the municipal offices could be better harmonized with the activities of the federative entities and the national machinery responsible for implementing gender equality policy, which itself consisted of three separate mechanisms. She would appreciate precise details of the strategic agenda of each mechanism, as well as information about their efficacy and any in-built evaluation mechanisms. She wondered how the three mechanisms' separate mandates and activities were coordinated and what measures the Government might take to

streamline their strategic agendas so that the needs of women, and especially rural and indigenous women, could be met more efficiently.

27. She was interested to learn how the national gender equality policy was implemented at the federal, state and municipal levels and whether the role of the coordinating entity, the National Institute for Women (Inmujeres), could be enhanced with a view to improving the delivery of programmes. The Committee was concerned that neither Inmujeres nor the other gender equality mechanisms appeared to have been provided with sufficient resources. It would therefore be grateful for details of any plans for increased capacity-building, staff training and resource allocation. With less than 1 per cent of the federal budget apparently being assigned to the implementation of gender equality programmes and policies, it would be useful to know whether the federative entities and municipalities had their own gender budgets, and, if so, whether their budget allocations were adequate. Lastly, she asked whether staff responsible for data collection and collation would receive the training necessary to allow them to analyse the data properly and thus produce statistics that provided a better basis for policy decisions at the federal, state and municipal levels.

28. **Ms. Eghobamien-Mshelia** asked whether the various mechanisms and programmes for women's advancement mentioned in paragraphs 30 to 37 of the periodic report were temporary special measures, long-standing or ad hoc initiatives. Similarly, she would like clarification as to whether the policies and strategies outlined in paragraphs 38 to 57 were temporary special measures. Information about any other programmes or strategies designed to redress inequalities between men and women, especially in the case of indigenous, poor or migrant women, would also be useful. She would particularly welcome details of the results achieved under the 2013–2018 PROIGUALDAD affirmative action framework, and the lessons learned. She wondered how successful the policies implemented within that framework were considered to have been, given, for example, that, although a targeted programme had been running from 2013 to 2016, only 32 per cent of missing women and girls had been located in that period. With that in mind, she suggested that the Government should reassess its use of temporary special measures and ensure that its programmes allowed space for the constant review of performance and targets. Without such reviews, the benefits for women and children could not be properly evaluated.

29. **Mr. Ruiz Cabañas** (Mexico) said that a national council had been created to oversee progress on the Sustainable Development Goals and the 2030 Agenda and public meetings had been convened to garner national and international expertise and gain input from civil society on how best to achieve the related targets. In that regard, a series of recommendations had been adopted and disseminated through the National Conference of Governors, emphasizing the fact that meeting the Sustainable Development Goals was a State responsibility and not a commitment applicable only to the current Administration. The Government had also taken the step of amending its federal budgets to ensure that dedicated funding was in place to fulfil those development targets.

30. **Ms. Eternod Arámburu** (Mexico) said that efforts had been made to increase the proportion of state budgets allocated to the promotion of gender equality and ensure that the gender perspective was incorporated into all policies and programmes. Indicators had been created to track progress in that regard and transparency had been improved through the establishment of a monitoring system. It was a requirement that the operating regulations of all programmes took the gender dimension into account and that a programme's expected benefits for women and men alike were explicitly stated. Lastly, funding for affirmative action measures aimed at reducing gender inequality had seen a significant increase.

31. **Ms. Herrerías** (Mexico) said that various initiatives were in operation across the country to aid in the search for missing women and girls. The Amber Alert Mexico programme had been effective in around 65 per cent of cases, with particular success in finding missing girls and teenagers. The Attorney General's Office had a similar scheme in place, which it used to disseminate information and photographs of missing persons to local and national media organizations.

32. **Ms. Quiroga Quiroga** (Mexico) said that the Alba Protocol, which had been established specifically to address disappearances of women and girls, was fully operational

in eight of the country's federative entities and was implemented through the establishment of technical committees and with the active participation of civil society.

33. **Mr. Robledo Flores** (Mexico) said that efforts to promote women's empowerment included initiatives to foster the economic independence of indigenous women, such as the programme to improve indigenous production and productivity, which had had a positive impact on some 80,000 indigenous women and their wider communities. Special measures had also been taken to guarantee access to education for the 37,000 indigenous children who were currently living in shelters.

34. **Ms. Eghobamien-Mshelia** said that she would be interested to know what the outcome of the various programmes and temporary special measures had been and whether the beneficiaries themselves had considered them to be effective.

35. **Mr. Robledo Flores** (Mexico) said that programmes were evaluated according to the extent to which they had achieved their intended objective, such as reducing poverty among the indigenous population. Efforts were being made, including by amending public policies, to foster indigenous women's participation and leadership in the development of projects in order to incorporate gender and intercultural perspectives and ensure that programmes reflected the actual needs of indigenous communities. For that purpose, a project to disseminate relevant information, promote women's and girls' rights and provide training was currently in the pipeline.

36. **Ms. Eternod Arámburu** (Mexico) said that, in addition to the various temporary special measures that were implemented throughout the country's 32 federative entities, the National Council for the Prevention of Discrimination and the Ministry of the Public Service had issued guidelines to foster gender equality in social oversight bodies and in federal and social development programmes. For instance, temporary special measures had successfully been used in recruitment processes to accelerate gender parity in the Attorney General's Office.

37. **Ms. Bethel** said reports indicated that, although there was an abundance of data available, it was poorly managed and thus underused in policy formulation. She therefore wished to know what steps had been taken to improve data management and provide training in order to make better use of the data available. She would also like to know whether the equality legislation enacted in the 32 federative entities was identical; and, if so, whether it contained an anti-discrimination clause that was in line with the Convention.

38. **Ms. Eternod Arámburu** (Mexico) said that the national machinery for the advancement of women had placed an emphasis on developing strategies and enhancing capacity-building measures in order to ensure that mechanisms and personnel at the state and municipal levels better understood and made appropriate use of data. As regards gender equality legislation, while the laws implemented by the different federative entities contained slight differences, they all contained a specific provision on combating discrimination against women.

39. **Ms. Gastélum Bajo** (Mexico) said that, since women were generally the main participants of social programmes, such as the PROSPERA social inclusion programme to combat poverty, they were often either specifically formulated with women participants in mind or included measures aimed solely at women. Such projects therefore usually took the particular needs of women, such as health care, into account.

40. **Mr. Rochín del Rincón** (Mexico) said that women beneficiaries had been the main recipients of compensation and support granted by the Fund for Aid, Assistance and Comprehensive Reparation in respect of missing persons. In particular, the Fund had issued two recent resolutions, awarding a total of US$ 500,000 to six women family members of disappeared victims. In most cases, the goal of comprehensive reparation was to empower victims, promote their autonomy and enable them to rebuild their lives.

41. **Ms. Acosta Vargas** said that she wished to know what measures were envisaged to ensure full respect for gender equality legislation designed to eliminate the pervasive, sexist stereotypes of women disseminated in the mass media. Similarly, she wondered what was being done to encourage a national dialogue and foster cooperation between politicians, advertising companies and the traditional and online media in combating social tolerance of

violence against women. Noting that stereotypes also persisted in the justice system, she asked whether the public could submit complaints against officials in that regard and, if so, whether any sanctions had been imposed as a result.

42. Referring to the recommendations made by the Committee in its communication No. 75/2014 (CEDAW/C/67/D/75/2014), which concerned Pilar Arguello Trujillo, who had been a victim of femicide, she said she welcomed the fact that the State party was reopening the case and hoped that other cases that had been closed without identifying the perpetrator or delivering justice to the families would also be re-examined. She wondered, however, why the numerous laws and protocols introduced to combat violence against women and femicide had failed to be effective. She would like to know what measures had been taken or were envisaged to strengthen and increase funding for gender violence alert mechanisms; improve support for shelters for women victims of violence and expand their coverage to all areas where violence against women had been recorded; and increase the number of justice centres around the country, while taking account of the experience of non-governmental organizations (NGOs) working in the field. Lastly, she asked whether the families of missing persons were involved in searches for their loved ones and whether they received adequate support and protection in order to prevent them from being revictimized.

43. **Ms. Jahan** said that, despite its efforts, Mexico remained a major hotspot for human trafficking. In particular, the trafficking of women and girls for the purposes of labour or sexual exploitation was alarming. In addition, undocumented migrants transiting through the country were in an especially vulnerable situation owing to their lack of status, which left them without any effective protection. She wished to know what was being done to improve the victim identification capabilities of border agents, law enforcement officers and labour inspectors; conduct gender-sensitive investigations of cases of human trafficking and forced prostitution and punish the perpetrators; combat impunity by investigating and prosecuting public officials complicit in human trafficking and the sexual exploitation of women; and increase the number of dedicated shelters for women victims. She also wondered whether the State party had considered developing a code of conduct with technology companies so as to prevent online platforms from being used to promote sex tourism.

44. She would like to know what initiatives had been undertaken by the State party, including by creating task forces, to combat the increasing phenomenon of disappearances of women and teenage girls, which was so often linked to child pornography and human trafficking committed by organized criminal gangs. In that connection, since the link between drug trafficking and migrant smuggling by criminal gangs had become increasingly evident, she asked what action had been taken to investigate and prevent trafficking and organized crime along migrant routes. Information on measures to strengthen agreements with neighbouring countries for cooperation in tackling the cross-border exploitation of women and girls would also be appreciated. Lastly, she asked what measures were in place or envisaged to reduce demand for prostitution, help women in prostitution to find alternative livelihoods and review federal legislation to ensure that the definition of trafficking of persons was in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the supported United Nations Convention against Transnational Organized Crime (the Trafficking in Persons Protocol).

45. **Mr. Ruiz Cabañas** (Mexico) said that the role of the media in perpetuating stereotypes was undeniable. However, the influence of the traditional media, including television, was waning: instead, young people used social networks and online companies for their news and entertainment. Even so, it was difficult to reconcile the need to eliminate stereotypes and prevent the glorification of criminality in the media with the right to freedom of expression.

46. **Ms. Luna Ramos** (Mexico) said that, regarding the case of Pilar Arguello Trujillo, the authorities were in the process of reopening the investigation, in line with the recommendations of the Committee. Since Mexico was a federal state, the criminalization of femicide had been a gradual process. Cases involving femicide were, however, now being dealt with by the local courts. Most notably, in 2013, the Supreme Court had issued a

landmark decision, not only ruling that the killing of Mariana Lima Buendía in 2010 should be reopened but also providing criteria for how future cases involving violent deaths of women should be investigated to ensure that justice was done.

47. **Ms. Herrerías** (Mexico) said that there were thousands of missing women in Mexico and nearly 10,000 cases were currently formally registered. However, in the case of enforced disappearances, victims' families often chose not to make a formal report for fear of reprisals. The authorities were working hard to resolve all cases and over the past few months had collected over 8,000 DNA samples, which were being used to build up a centralized genetic databank through which information could be exchanged. The standardized protocols for searching for missing persons and investigating enforced disappearances, which had been developed in consultation with the families, provided for relatives to be involved in searches and investigations. Progress had also been made in the development of guidelines for the preservation of bodies and human remains; the creation of a national register for unidentified bodies and a national forensic DNA databank; and the launch of a national programme for forensic exhumations. The Government was working with all federative entities and met periodically with the special prosecution units responsible for disappeared persons. Almost half of all special prosecutor's offices had special units of that kind.

48. Special prosecutors for trafficking in persons had been appointed in almost 90 per cent of federative entities and meetings were held regularly to ensure coordination between them. A special unit responsible for investigating crimes against migrants had been set up within the Attorney General's Office and was currently dealing with some 96 cases of migrant women victims of crime. In conjunction with civil society, the Government was also working to build an overseas support mechanism through which family members in other countries could contact the relevant consulates and contribute to ongoing searches and investigations.

49. **Ms. Eternod Arámburu** (Mexico) said that the Government faced major challenges in ensuring protection for sex workers' rights, especially since public opinion in that area was divided: some regarded sex work as a job, but for others it was exploitation. Despite the challenges, the Government endeavoured to identify all sex workers who might be victims of trafficking while at the same time guaranteeing respect for their rights.

50. **Mr. Ruiz Cabañas** (Mexico), providing a brief history of the drugs trade and organized crime in Mexico, said that increased maritime enforcement in the 1990s had diverted drug trafficking flows to the United States of America overland through Mexico. That change had had devastating effects for the country, as organized criminal gangs increasingly turned their attention to the cocaine trade. The situation had subsequently been compounded by the expiry of the United States Public Safety and Recreational Firearms Use Protection Act in 2004 and the establishment of 9,000 armouries on the United States side of the border with Mexico, which had given new economic and arms power to the criminal gangs. The Government had done its best in the face of a situation not of its making, which would have been graver still without existing laws. Somewhat later, a new problem had arisen: although the historical trend of Mexican nationals migrating to the United States of America was abating and more and more Mexicans were choosing to return home, security conditions and climate change, among other factors, had increased migratory flows from Central America through Mexico, as migrants from the South attempted to reach the North. To address that new problem, talks had been initiated with the authorities of Central American countries in the hope of formulating a regional solution. In addition, the Government was actively involved in the development of the global compact for safe, orderly and regular migration.

51. **Ms. Acosta Vargas** said that the Committee recognized the challenges that the State party faced, particularly in dealing with organized crime. However, despite the challenges, the wherewithal for improvements could always be found. For example, as the judicial system was sometimes slow to respond, could greater efforts not be made to establish a single national register of missing or disappeared persons that would facilitate and accelerate search and investigation? In addition, she wondered whether a mechanism was in place whereby persons could file complaints against police and judicial officers believed to

have failed in their duties; and, if so, what steps were taken to ensure that complaints were acted upon and what sanctions were imposed.

52. **Ms. Jahan** asked what specific measures were being taken to address the reportedly deadly human trafficking business playing out along the border between the United States of America and Mexico. In the light of reports of the abduction of Mexican babies and children for illegal adoption by families in North America and Western Europe, she asked what safeguards against such offences were incorporated in national adoption policies.

53. **Ms. Arocha Domínguez** asked why the State party had refused to allow a visit from representatives of the Committee on Enforced Disappearances, given its exemplary past record in accepting visits from United Nations bodies.

54. **Mr. Ruiz Cabañas** (Mexico), responding to Ms. Acosta Varga's observations, said that the Government always sought to learn from the Committee and to make progress wherever possible. It was that desire for progress that had led to enactment of the General Act on the Enforced Disappearance of Persons, Disappearances Perpetrated by Individuals and the National Missing Persons System in January 2018. The Act had been developed with the assistance of international experts and provided for the establishment of a centralized national register of missing and disappeared persons, a national search commission and local committees to coordinate searches between states, among other mechanisms. He hoped to be able to report that the Act had been successful when Mexico next appeared before the Committee.

55. **Ms. Herrerías** (Mexico) said that the National Migration Institute, in cooperation with the International Organization for Migration, had developed a protocol for the detection, identification and care of migrant victims and/or potential victims of trafficking in Mexico. In addition, in 2016, the Interministerial Commission for the Prevention, Punishment and Eradication of Crimes of Human Trafficking and the Protection and Assistance of Trafficking Victims had signed an agreement with the International Organization for Migration to assist federative entities in developing their own protocols on trafficking. Nearly all federative entities had now issued such protocols. Training on trafficking in persons was provided for public servants. The bilateral agreements to combat trafficking that had been concluded with the United States of America ensured coordination between the various entities involved during investigations. The National Public Security Council had formulated an agreement to build the capacities of the special prosecution units responsible for trafficking in persons, and the unit of the Attorney General's Office responsible for investigating crimes against migrants worked closely with those units at the federal level.

56. **Mr. Arellano Cuán** (Mexico) said that an administrative procedure for the submission of complaints of non-compliance with legal obligations on the part of public servants had been established in 2015. Individuals were able to file complaints either in person or anonymously, by telephone, email or chat function. The sanctions imposed included fines and/or the employee's temporary or permanent removal from post. Criminal complaints could also be filed, in which case criminal investigations were instituted and the possible sanctions included imprisonment as well as fines.

57. **Ms. Quiroga Quiroga** (Mexico) said that a monitoring system was in place to prevent illegal child adoption. Specific border control measures had also been established in cooperation with the National Migration Institute. Whenever a case of abduction or illegal adoption was detected, the International Criminal Police Organization was immediately alerted. Cases were investigated by the Attorney General's Office and the office of the special prosecutor responsible for cases of trafficking in persons.

58. **Ms. Millán Velázquez** (Mexico) said that a bill on international child adoption had been approved by the National System for the Comprehensive Protection of Children and Adolescents and was currently before Congress.

59. **Mr. Ruiz Cabañas** (Mexico) said that the National Human Rights Commission was the body competent to receive complaints concerning violations committed by public servants. Once the alleged offence had been investigated, the Commission issued recommendations that were binding in effect.

60. The Government had not ruled out the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. However, it had prioritized the development of an effective system for investigating and punishing enforced disappearances over a visit from representatives of the Committee on Enforced Disappearances, whose work, through vital, was not a substitute for a national system.

61. **Mr. Beltrán Benites** (Mexico) said that efforts were being made to ensure women's inclusion in the armed forces, particularly in high-ranking posts, and in combative, operational and specialist positions, by harmonizing and strengthening laws, using gender-neutral language. Mechanisms in place to prevent discrimination and violence against women in the army included the Observatory for Gender Equality in the Armed Forces. A total of US$ 18 million had been invested in new facilities and services, while US$ 4 million had been allocated to gender equality awareness-raising and training for military officers.

62. **Ms. Gastélum Bajo** (Mexico) said that the situation of persons who had been internally displaced due to organized criminal activities was a very serious matter that was currently subject to intense debate and required urgent attention. Unfortunately, despite two reforms and considerable efforts, the General Victims Act still did not recognize the concept of internal displacement adequately.

63. **Mr. Rochín del Rincón** (Mexico) said that the 2017 reform of the General Victims Act did, however, recognize the particularly vulnerable situation of internally displaced persons and the need for a specialized and gender-sensitive response to their situation. Around half of the more than 530 current victims of internal displacement were women. Funding of over US$ 41,000 had been approved to cover support and assistance measures via 23 separate resolutions and significant financial reparation had been awarded to one particular victim. There was one national shelter for forcibly internally displaced persons.

64. **Ms. Manalo** said that all progress on women's inclusion in the armed forces should be reflected in information provided to the Committee in the next reporting period.

Articles 7 to 9

65. **Ms. Eghobamien-Mshelia** said that she was concerned about the lack of data that hampered policymaking on women's political participation. She would like to know how the State party planned to remove barriers to women's political participation and integrate marginalized groups of women into political life as a means to reduce discrimination and exclusion. The lack of a federal-level legal framework to outlaw political violence against women and enforce existing electoral laws were matters of grave concern, given the rise in political violence against women, which had included several murders in recent months. She asked whether the delegation could confirm that the protocol for responding to political violence against women, which had been used as a basis for filing 141 complaints and issuing eight judgments in 2015 and 2016, and the guide for submitting complaints of political violence against women, both of which were referred to in the report, were being duly implemented and were accessible to women of all categories; and whether the protection they provided was sufficient to encourage women to participate freely in politics. Lastly, she would like to know the degree of compliance with the General Act on Electoral Institutions and Procedures and the General Act on Political Parties that had been achieved, and whether those laws had helped to mitigate women's political exclusion.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1609

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Seventieth session

Summary record of the 1609th meeting
Held at the Palais des Nations, Geneva, on Friday, 6 July 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Ninth periodic report of Mexico

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Ninth periodic report of Mexico (*continued*) (CEDAW/C/MEX/9; CEDAW/C/MEX/Q/9 and CEDAW/C/MEX/Q/9/Add.1)

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Schulz** said that, although birth registration rates were generally high, they were much lower for persons from indigenous communities and persons on low incomes, possibly because the procedure for registering births and applying for birth certificates was quite complicated. Parents whose children had been born in the United States of America and had subsequently returned to Mexico had difficulty obtaining birth certificates, or having their children's original birth certificates recognized, unless they had registered their births in a Mexican consulate prior to leaving the United States. Since that requirement had prevented many children from enrolling in school, she asked whether the 2016 agreement between the United States and Mexico, which had been intended to simplify the registration process, had been a success, and whether it had facilitated the recognition of birth certificates issued in the United States. The Committee would also be interested to learn whether the 2016 agreement applied to those children who had returned to Mexico before its entry into force and whether a programme was in place to clear the backlog of unregistered births and ensure that the children concerned were issued with birth certificates.

3. **Mr. Lara Cabrera** (Mexico) said that the issue of birth registration, including the registration of the Mexican diaspora through consular services in the United States, was a priority for the Government. Mexican consulates had now been empowered to issue civil registration documents and a number of campaigns had been carried out in the United States to encourage Mexican citizens to make use of the consular registration services. It was no longer necessary for birth certificates issued in the United States to be stamped, which simplified matters for Mexicans returning home from north of the border.

4. **Ms. Maccise Duaye** (Mexico) said that an unprecedented number of women had participated in the elections that had taken place in July 2018. Over 50 per cent of the candidates who had stood for election had been women and, as a result, some 48 per cent of the members of the Chamber of Deputies and 49 per cent of the members of the Senate were women. Furthermore, in the 30 local councils where elections had taken place, an average of 46 per cent of council seats had been won by women. However, women were underrepresented in electoral contests for which gender parity was not obligatory, including in the elections for the post of President and for the 11 Governor posts.

5. In the 13 districts where over 70 per cent of the population belonged to indigenous communities, political parties had been required to put forward an equal number of men and women candidates from those communities. Consequently, five indigenous women had won election to the Congress of the Union. In addition, as a result of affirmative actions taken at the local level, indigenous women had been elected to the local congress in two federative entities.

6. The Government did not have any information on the number of women candidates belonging to vulnerable groups as political parties were not legally required to provide such information. A voluntary questionnaire on membership of such groups had been submitted to the political parties but only a relatively small percentage of candidates had completed and returned it.

7. The Government possessed disaggregated data on ways in which women faced discrimination at various stages of the electoral process. In order to combat such discrimination, it had produced guidelines encouraging political parties to refrain from reinforcing gender stereotypes in political advertising. As a result, the number of

complaints received about discriminatory advertising had fallen significantly in comparison with previous elections. When complaints had been received about a particular advertisement, steps had been taken to withdraw it from circulation. At the request of the Government, the political parties, in collaboration with UN-Women, had established a protocol aimed at tackling political violence within political parties. Eight of the nine main political parties in the country had now subscribed to that protocol and steps would be taken to assess the extent to which it was effective in protecting women against discrimination.

8. Research indicated that women candidates received fewer resources and less media coverage during political campaigns. In order to rectify that imbalance, specific recommendations for measures to be taken by the political parties and the electoral authorities had been drawn up.

9. **Ms. Bracho Alegría** (Mexico) said that the Electoral Tribunal of the Federal Judiciary had issued 99 judgments in respect of cases of political violence in recent years. In 88 of those cases, the protocol for responding to political violence against women had been invoked. The Tribunal had issued opinions and established jurisprudence defining political violence, which would make it easier for future cases of such violence to be tried by the Tribunal and by other courts. In 13 of the cases tried by the Tribunal, measures to protect women candidates had been established. In order to raise awareness of the protocol, face-to-face training sessions aimed at electoral officers, women candidates, human rights defenders and the general public had been carried out in 20 states. In addition, over 7,000 persons had enrolled on an online course on the prevention of political violence. A special public defence service for indigenous peoples, which reported to the Tribunal, had provided assistance to over 200 indigenous women whose rights had been violated.

10. For the first time in its history, the Electoral Tribunal had recently disqualified two mayors who had engaged in acts of political violence from standing for re-election. The Tribunal had also recently established a national network of over 900 women human rights defenders to deal with cases of political violence.

11. **Ms. Gastélum Bajo** (Mexico) said that, in the recent elections, greater parity among candidates had resulted in more equal representation of men and women in the upper and lower chambers and in local government. However, women were still underrepresented in the executive branch, the judiciary and the autonomous state bodies. In order to remedy that situation, it would be necessary to promote and reinforce the notion of gender equality in politics through legislation.

Articles 10 to 14

12. **Ms. Verges** said she was concerned that girls and women still tended to study subjects traditionally associated with their gender rather than courses in science, technology, engineering and mathematics. She was also concerned to note that training courses for teachers failed to address the issue of gender; that guidelines on the prevention and detection of sexual harassment and violence in schools were often not applied, resulting in high levels of sexual harassment and violence at all levels of the education system; that the rate at which pregnant girls dropped out of school remained high; and that insufficient efforts had been made to assess the impact of scholarships intended to ensure that pregnant girls and young mothers could remain in the education system.

13. Noting the lack of robust integrated programmes addressing the various technical and financial challenges facing the education system, she asked what steps would be taken to improve the system under the new education model introduced in 2017; whether sufficient funds were available for the model's implementation; and whether the Government would consider implementing legislation stipulating that 8 per cent of the gross domestic product should be allocated to the education sector. She invited the delegation to describe the action that would be taken to eliminate school fees, which represented a barrier to education for many families belonging to vulnerable groups, and the measures that would be used to address disparities in the use of new technology and gaps in educational attainment between the different states, urban and rural areas, and boys and girls, including gaps and disparities affecting indigenous and Afrodescendent girls, girls with disabilities and the children of disappeared persons in particular. Lastly, she

asked what steps would be taken under the new education model to promote educational attainment among members of vulnerable groups and to assess and follow up on the many programmes and projects established in the area of education.

14. **Ms. Manalo**, noting that only around 44 per cent of women of working age were in employment, said that she wished to know what steps were being taken to ensure that men and women were more equally represented in the workforce. In view of the gender pay gap that existed in all employment sectors in Mexico, she asked what steps were being taken to reduce the gap, and whether the Government recognized and upheld the principle of equal pay for equal work, as mentioned in the report (CEDAW/C/MEX/9, para. 161), or the principle of equal pay for work of equal value, which would be more beneficial for the rights of women. She also wished to know why over 10 per cent of women were habitually asked to take pregnancy tests by their employers; why women domestic workers were not covered by key pieces of labour legislation, including the Federal Labour Act and the Social Security Act; and what obstacles were preventing the State party from ratifying the International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156) and the ILO Maternity Protection Convention, 2000 (No. 183). Lastly, she asked what measures would be taken to promote, provide and protect employment opportunities for indigenous women, women with disabilities and women refugees.

15. **Ms. Arocha Domínguez** said that she would welcome further information on teenage pregnancy rates, particularly the rates for girls between 10 and 14 years of age, since it was difficult to determine, from the figures available, how far rates had actually fallen. She wondered whether the outcomes of the national strategy for the prevention of adolescent pregnancy had been assessed; whether the strategy received the funding that it required to operate effectively at a local level; and whether rates of teenage pregnancy had fallen consistently in every part of the country. Noting that a significant proportion of women had reported having suffered ill-treatment while giving birth, she asked for information on obstacles to the effective delivery and ongoing improvement of health services at all stages of pregnancy and childbirth. It would be interesting to learn whether plans were in place to carry out a new survey of women's experiences of childbirth.

16. The Committee wished to know whether measures would be taken to standardize and ensure the availability of abortion services throughout the country and whether legislation providing access to abortion services for women who had been raped was effectively implemented. In view of the fact that physicians' right to raise a conscientious objection to performing an abortion would shortly be enshrined in law, she asked what steps would be taken to ensure access to abortion in cases where physicians raised such an objection and what effect the legislation in question would have on the universal availability of abortion services.

17. **Ms. Morales Garza** (Mexico) said that the Government was aware that educational establishments should be free from violence, harassment and abuse. For that reason, all possible measures were taken to ensure that girls and boys could develop to their full potential, irrespective of their origins, language or ability. The Government's educational policies were implemented by means of programmes, plans and training activities and mechanisms for detecting and responding to allegations of abuse were in place. A body of laws had been adopted that was designed to promote peaceful and convivial learning environments in all educational establishments. The National Programme for Harmonious Relations at School had been successful in promoting harmonious relations and equality between boys and girls in around a quarter of the schools where assessments had been carried out. As well as promoting academic achievement, national education policies were intended to enhance students' social and emotional capacities and to identify students or groups who were at risk.

18. Violence in schools, and mechanisms for dealing with such violence, were addressed in teacher training programmes. At the upper secondary level, half of school scholarships were reserved for girls and almost 65 per cent of funds invested at the national level was allocated to schools in rural and indigenous areas. The success of literacy programmes was reflected by the fact that literacy rates were much higher among girls under 15 years of age than among women over 50 years of age, who had not benefited from such programmes.

The proportions of indigenous boys and girls who completed primary school and secondary school were 1 per cent and 12 per cent below the national averages, respectively.

19. Guidelines for detecting, preventing and addressing child sexual abuse, bullying and ill-treatment had been implemented in all 32 federative entities. Safety protocols had been established for middle and upper secondary schools and protocols for preventing, addressing and punishing sexual harassment and harassment in the workplace, including in the civil service, had been established. A number of higher education establishments had taken steps to establish violence-free zones and a significant level of funding had been allocated to the "*ConstruyeT*" (Build Yourself Up) programme, which covered 10,000 educational establishments at the upper secondary level.

20. **Ms. Eternod Arámburu** (Mexico) said that the Government had developed a national strategy to combat teenage pregnancy. The strategy was based on painstaking analysis and involved coordinating the efforts of over 20 federal government bodies, 4 international organizations and a number of civil society organizations. One of the main goals of the strategy, which incorporated key indicators that would enable its outcomes to be measured, was to establish working groups responsible for implementing the plans and programmes associated with it in every state. Action was being taken to raise awareness of the strategy among children and adolescents, and also among parents and guardians, who shared responsibility for their children's sex education. The strategy included a specific plan to prevent teenage mothers from having a second child and from dropping out of school.

21. Data gathered by the Government indicated that, in 2017, rates of teenage pregnancy among girls aged between 10 and 14 years old and girls aged between 15 and 19 years old were around 15 per cent lower than the corresponding rates measured between 2014 and 2016. However, the rate at which teenage pregnancy was falling varied from one federative entity to another. All federative entities were required to submit reports on the progress that they had made in reducing teenage pregnancy and, in 2017, 30 such reports had been received. In accordance with the national strategy, it was recommended that federative entities should abolish legal exemptions enabling adolescents under the age of 18 to marry. To date, only two federative entities had failed to implement that recommendation. Training on the national strategy had been provided to relevant staff in all 32 federative entities and a total of 14 protocols on the prevention of teenage pregnancy had been established. Pregnancy prevention and care programmes were also offered by civil society organizations.

22. **Ms. del Río Zolezzi** (Mexico) said that almost 6,000 units providing a wide range of contraceptives and guidance on birth control to adolescents had been established throughout the country. Such units were available in 75 per cent of the country's municipalities, including areas with rural and indigenous populations. Between 2016 and 2017, more than 2.5 million people had used the services, the majority of them women, and over 700,000 adolescents had received information on how to avoid unwanted pregnancies. According to figures from 2017, 500,000 women under the age of 20 were active users of contraception, an increase of 47 per cent since 2012.

23. In order to raise awareness of obstetric violence, the Ministry of Health and the Mexican Social Security Institute provided training to staff at the health-care centres and hospitals where large numbers of births took place and where complaints had been most frequently received. Approximately 18,000 health-care workers had received training across the country. Surveys to assess the incidence of obstetric violence would continue to be conducted, the next one being scheduled for 2022.

24. An amendment to the General Health Act to permit conscientious objection to performing abortions and providing contraception had been published in May 2018. The corresponding regulations were currently being drafted and would be completed in August 2018. So as to protect the rights of patients, the new rules would permit medical staff to object to performing certain types of procedure but would not permit them to raise objections in specific individual cases. The National Human Rights Commission had filed a lawsuit against the amendment before the Supreme Court on grounds of unconstitutionality.

25. **Ms. Gastélum Bajo** (Mexico) said that abortion and contraception remained a politically controversial and divisive issue. Nevertheless, progress had been made through the General Victims Act and the General Rights of Children and Adolescents Act, as well as at the state level.

26. **Ms. Luna Ramos** (Mexico) said that the Supreme Court had ruled in favour of decriminalizing abortion in the Federal District. However, many other states had expressly legislated against decriminalization, as they were free to do under the federal system of government. Nonetheless, the Supreme Court had found the application of Mexican official standard NOM-046-SSA2-2005, which permitted, inter alia, the use of the morning-after pill by victims of sexual violence, to be constitutional. Furthermore, the Supreme Court had ruled, in two landmark judgments, that denying abortions to rape victims violated the Constitution.

27. **Mr. Arellano Cuán** (Mexico) said that the right to equality in employment was enshrined in the Constitution and in the Federal Labour Act. In 2015, Mexican official standard NMX-R-025-SCFI-2015 had introduced a certification scheme for companies that had gender-inclusive practices and, although adherence to the standard was not obligatory, many companies sought to comply, reflecting a positive change in the country's business culture. The Ministry of Labour and Social Security planned to hold 84 work fairs before the end of 2018, which would offer 12,000 employment opportunities specifically to women. As part of efforts to advance women's employment rights, the Ministry had worked with the United Nations Children's Fund (UNICEF) to design a guide on breastfeeding in the workplace aimed at companies and institutions. The Ministry also aimed to increase the number of day-care centres and to ensure that they were accessible to all working mothers and fathers.

28. In the period 2012–2018, 13 million women had found work via the National Employment Service. Women looking for employment using the Service had, on average, completed two or three more years of education than men, which was indicative of the advancements made in women's rights in Mexico. The years 2005–2017 had seen a significant increase in the number of women accessing highly skilled sectors of the labour force. For example, there had been an 18 per cent annual increase in the number of women in the medical profession, a 14 per cent increase in the transport sector and a 6 per cent rise in professional services. The university enrolment rate for women now equalled that of men.

29. It was against the law for employers to require employees to undergo pregnancy tests. To improve enforcement of the law, the Government needed to raise women's awareness of the law and ensure that they knew where to file complaints. Federal labour laws expressly laid down punishments for employers who engaged in discriminatory practices. The Federal Act on the Prevention and Elimination of Discrimination also established a procedure for filing complaints of labour discrimination, under which the victims could be reinstated and reparations awarded. Complaints were heard by the National Council for the Prevention of Discrimination.

30. The Government planned to ratify the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and the Ministry of Labour and Social Security issued certificates to companies that sought to promote the reconciliation of work and family life. To date, certificates had been awarded to 2,500 companies that offered flexible working hours, for example, or encouraged men to play a more active role in housework and childcare. In addition, new legal provisions granted fathers up to five days of paternity leave. Civil legislation contained provisions on responsible paternity which, inter alia, required fathers to contribute to childcare expenses and established a prison sentence of up to 5 years for fathers who failed to do so.

31. **Ms. Arocha Domínguez** said that she wished to know what measures the State had taken to combat intersectional discrimination within the health sector and, in particular, what resources and training programmes were available to safeguard the rights of women with disabilities, including those from rural and indigenous communities. She would appreciate an explanation as to the progress made in recognizing the sexual needs of persons with disabilities and the obstacles that still existed.

32. Lesbian, bisexual, transgender and intersex women had specific needs in terms of health care. Many transgender women who worked in the sex industry suffered from sexually transmitted infections, including HIV/AIDS. She would therefore be interested to learn about the steps taken to address the needs of those women and to prevent, address and punish medical malpractice, including the genital mutilation of intersex persons.

33. **Ms. Ferreyra Beltrán** (Mexico) said that a law applicable in all states prohibited discrimination and guaranteed equal opportunities for all. A mechanism also existed whereby victims of discrimination were able to lodge complaints. The majority of the complaints received thus far had been submitted by persons with disabilities and related to accessibility in the workplace. Mexican official standard NMX-R-025-SCFI-2015 required companies to make their workspaces accessible to persons with disabilities and recommended a 5 per cent quota for women with disabilities in the workforce.

34. **Ms. del Río Zolezzi** (Mexico) said that public officials received training in areas including human rights, gender diversity and inclusiveness to guarantee the rights of women with disabilities, including those from indigenous and Afro-Mexican communities. Mexico recognized the sexual rights of women with disabilities and had made progress in that regard.

35. Experts from various institutions had drafted a protocol on medical care for lesbian, gay, bisexual and transgender persons and persons with intersex characteristics. Under the protocol, doctors were not permitted to perform surgery on infants. Nonetheless, the protocol had yet to be incorporated into the national health system. Transgender women had access to services to detect, diagnose and treat sexually transmitted infections. Such services were financed by a special fund and medicines were provided free of charge. A register of those undergoing treatment revealed that 689 transgender women were receiving antiretroviral drugs. The actual figure was thought to be higher given that many transgender women were still officially men as their identity documents had not yet been changed.

36. **Ms. Morales Garza** (Mexico) said that plans and programmes for the promotion of equality and human rights were regularly evaluated by higher education institutions, the Chamber of Deputies, the National Institute for Educational Assessment and the National Council for the Evaluation of Social Development Policy. The plans and programmes covered the social, emotional and biological aspects of sexuality. A booklet on the rights of young people gave them the tools to identify sexual violence and stereotypes and combat machismo. A network of mentors was available in the public school system and in the technical baccalaureate and technical vocational systems. At present, of the students enrolled on courses in science, technology, engineering and mathematics, 36 per cent were women or girls, and equal numbers of male and female students were enrolled in computing courses. The number of female researchers had increased by 36 per cent, while 40 per cent of students attending polytechnic universities were women. Over the past 5 years, 92,000 scholarships had been awarded to pregnant adolescent girls to encourage them to remain in education. Moreover, the Ministry of Education had a sectoral agenda to promote the development of persons with disabilities.

37. **Mr. Arellano Cuán** (Mexico) said that the National Commission for the Development of Indigenous Peoples ran a programme to improve the productivity of indigenous women that centred on providing financial support and training to enable them to maintain a reasonable standard of living. The Ministry of Labour and Social Security had introduced the "Gilberto Rincón Gallardo" certification scheme for companies that recruited persons with disabilities. It was currently processing the 1,500 applications it had received and would award the certificates in November 2018.

38. The Government was working to ratify the ILO Domestic Workers Convention, 2011 (No. 189). Both male and female domestic workers had certain rights under Mexican law, although those rights fell short of the standards of ILO Convention No. 189. The Government was considering the measures necessary to advance the rights of domestic workers with a view to ratifying that Convention in the near future.

39. **Mr. Ruiz Cabañas** (Mexico) said that the National Council for the Development and Inclusion of Persons with Disabilities worked with companies and civil society

organizations to develop employment opportunities for persons with disabilities in various sectors, including banking.

40. **Mr. Robledo Flores** (Mexico) said that the Government had established the programme to improve the production and productivity of indigenous peoples, a component of which was dedicated to indigenous women, in 2014. More than 80,000 women had benefited from the 12,000 projects that had been set up. The programme guaranteed jobs and income for indigenous women, thereby empowering them and enhancing their economic independence. Under another programme to be rolled out in 2018, development agencies would be set up to provide skills training for indigenous women's community organizations, specifically in water collection and food production, and to help them to make the move from traditional wood-burning stoves to gas or electric cookers so as to prevent disease.

41. **Ms. Bethel** said that, to improve access to paid work for rural and indigenous women, and opportunities for economic, social and cultural participation for all women in general, improved access to childcare, credit, training, land and property was required. In that context, she wished to know what action the Government was taking to increase access to land, property and credit for rural women; whether the PROSPERA social inclusion programme incorporated a gender perspective and whether it brought long-term benefits, particularly for indigenous and rural women and female-headed households; and whether the beneficiaries had been consulted as to how the programme might be improved. She would also like to know what steps had been taken to bring more indigenous women into leadership positions and how women's access to the labour market, including higher paid sectors and decent working conditions, might be improved.

42. Given that Mexican women faced one of the highest burdens of unpaid domestic and care work of all member States of the Organization for Economic Co-operation and Development, and that situation impeded their economic participation and empowerment, she wondered whether the State party planned to adopt policies that would improve women's access to public sector care and support services. Since the exigencies of domestic work also made it difficult for rural and poor women to engage in recreational and cultural life, it would likewise be interesting to know whether the State party had adopted gender-responsive policies in culture and sport with a view to empowering all women, and particularly rural and indigenous women. If so, what results had been achieved?

43. Lastly, noting that the poorest women were often disproportionately affected by the impact of natural disasters and climate change but that women also had a key role in preventing, managing and responding to such events, she asked how the State party intended to build on the Committee's general recommendation No. 37 and other international frameworks in order to ensure that women were involved in risk prevention and that risk reduction policies were gender-sensitive.

44. **Ms. Song** asked whether rural and indigenous women enjoyed the same rights to land as men and whether there were any barriers to female landownership. She noted that the State party's replies to the list of issues (CEDAW/C/MEX/Q/9/Add.1, para. 170) indicated only how many women had benefitted from certificates and titles issued by the National Agrarian Land Register and authorizations for production projects in 2017. Equivalent figures for the numbers of male beneficiaries were therefore needed. She would also like to know whether procedures for issuing certificates and authorizing projects incorporated a gender perspective and what reasons were responsible for the gender disparity in land tenure.

45. Since, according to alternative sources, extractive industries in indigenous territories had reduced rural women's access to land, additional data should be provided on the impact of such industries on communities, and particularly women. Had the Government taken any action to mitigate the negative impacts? Noting that alternative sources also referred to a lack of support for indigenous communities in the practice and dissemination of their culture, she asked what steps the Government had taken to address the needs of indigenous women as the primary bearers and transmitters of cultural practices. Further noting that the Land Act had been amended with a view to increasing women's participation in decision-making, she asked whether the gender composition of the Commission on Communal Land

and the Supervisory Council had changed as a result; what the current gender balance was; whether gender equality training had been provided to all members; and whether there were any other channels through which rural and indigenous women could involve themselves in local decision-making. Lastly, it would be interesting to learn about any opportunities for political participation available to migrants, including migrant women, and about any one-stop shop services through which migrants could receive information on accommodation, job opportunities and access to justice, for example.

46. **Ms. Gastélum Bajo** (Mexico) said that the PROSPERA programme had undergone changes and that studies had been carried out to assess the extent to which it incorporated a gender perspective. Women had taken ownership of the programme and nearly all beneficiaries were indeed women. The programme covered health and education and provided insurance cover for families in the event of maternal death. Credit was available through the State-owned rural development bank, Financiera Rural, and significant progress had been made in making soft loans available for rural women, including small-scale producers, at a lower interest rate than for men. Moreover, it was no longer necessary for women to obtain their husbands' signatures to access loans.

47. **Ms. López Barajas** (Mexico) said that, although amendments to article 47 of the Land Act provided for affirmative action to promote women's land rights and access to positions on community councils, most women who had been canvassed by the Inter-Agency Working Group on Rural Women to ascertain their opinion on the new measure had indicated that they were not in a position to access such opportunities and required more training. They had also indicated that more work needed to be done to change attitudes among men, since obtaining community support for women in decision-making roles was problematic. Although women were involved in supervising rural social programmes, securing the active participation of indigenous women remained a challenge.

48. With regard to addressing women's vulnerability in disaster situations, a gender perspective had been incorporated into national programmes tackling climate change and forest degradation, amongst other issues. However, the Government acknowledged that much remained to be done in order to ensure that women genuinely benefitted from such programmes.

49. **Mr. Robledo Flores** (Mexico) said that community engagement, and the engagement of women organization's in particular, was crucial to the success of projects promoting women's employment and income generation and that the Government endeavoured to deploy good practices of that kind in the development of all public policies affecting indigenous women. In the field of education, for example, prior consultations had been conducted prior to policy reforms in order to take account of indigenous communities' views and needs. As regards land tenure, in 2016, article 37 of the Land Act had been amended to stipulate that women should account for no less than 40 per cent of the members of all communal land authorities.

50. **Ms. Bethel** said that she would like to know whether the impact of the tertiary education opportunities available under the PROSPERA programme had been evaluated; and, if so, what conclusions had been drawn.

51. **Ms. Song** asked whether the Government regularly sent experts into rural areas to provide free on-the-spot guidance and training to rural women.

52. **Ms. Eternod Arámburu** (Mexico) said that, to relieve women of the huge burden of unpaid care work, the Government would need to use targeted strategies for the different population groups concerned, which included older persons, children and the sick. To that end, it was working to reinforce care sector infrastructures, for example, by increasing the availability of day-care centres, and to find ways to achieve a more even distribution of the burden of care between the public and private sectors, and between families and communities.

53. **Ms. Schulz** said that she would like to know whether the Government was planning to put an end to the automatic detention of women asylum seekers, as provided under the Migration Act, and to give all women and girls access to asylum procedures by waiving the current 30-day time limit. She also wondered whether it would be increasing the number of

offices of the Mexican Commission for Refugee Assistance, and its budget and human resource allocations, with a view to improving processing times and service quality, better protecting women and girls from the risk of sexual and gender-based violence, and ensuring that all such cases were duly investigated and prosecuted; and whether it would be extending the detainee release programme launched in Mexico City in 2016 nationwide. In addition, would the Government be taking steps to give women asylum seekers the right to work and access to health services and housing?

54. **The Chair** said that, with Mr. Ruiz Cabañas' agreement, the answers to Ms. Schulz's questions should be provided in writing.

55. **Mr. Robledo Flores** (Mexico) said that the Government held consultations with indigenous communities with a view to obtaining their prior consent for all extractive industry projects and, together with representatives of indigenous communities, had drafted a consultation protocol that met with international standards. Various international observers had participated in past consultations, including representatives of the United Nations, ILO and civil society organizations.

56. **Mr. Lara Cabrera** (Mexico) said that many initiatives designed to help migrants had been launched in the United States of America, including a one-stop shop for women offering advice on education and health, among other issues. In Mexico, training was provided to community leaders in places with high migrant populations; an information campaign was being run to give visibility to female migrants' contributions to society; medical care was provided in cases of rape, for example; and a successful migrant assistance programme had been run in conjunction with the Office of the United Nations High Commissioner for Refugees. The Government was continually strengthening the resources allocated to the various bodies that dealt with refugee issues.

57. **Mr. Avante Juárez** (Mexico) said that the body responsible for processing asylum applications had increased its staff by 70 per cent in 2018 and had launched a programme to significantly decrease processing times. Asylum seekers and refugees were now provided with an identity document that gave them access to employment, financial support, health and education, for example. In addition, an expert working group set up in 2017 was working to ensure the incorporation of a gender perspective in all policies protecting migrants and duly trained refugee protection groups, known as Beta Groups, were now operating in 22 municipalities and had assisted over a million women since 2013.

Articles 15 and 16

58. **Ms. Narain** said that she would like to know whether the four federative entities that had previously permitted certain exemptions to the prohibition of child marriage had now removed those provisions; and, in light of reports of girls being forced to marry their kidnappers or rapists, what steps the State party had taken to address cultural attitudes and enforce prohibition. In addition, she asked whether complaints mechanisms were available in schools and hospitals; whether anonymous warnings were heeded; whether cases of bigamy involving child brides were investigated and prosecuted; whether child marriages were officially registered; and whether child brides had rights, notably in terms of divorce. More generally, it would be useful to know whether divorce was available equally to both sexes and whether all girls and women, but in particular girl brides, could fully exercise their rights under the Convention, regardless of their marital status.

59. She would also like to know whether legislative amendments had been passed that would broaden the definition of communal property and whether the amendments would be enacted throughout the country. Under what circumstances was a woman not entitled to alimony? And what would the State party do to ensure that women were not disadvantaged by the distribution of property on marriage breakdown? Lastly, she wondered whether judges who had made sexist remarks and issued sexist judgments were duly disciplined; whether it could be determined that such attitudes resulted in rulings in favour of the husband in divorce cases or the father in custody cases; and whether the planned law on responsible fatherhood had now been passed.

60. **Ms. Alonso Pesado** (Mexico) said that laws had been harmonized in 28 of the federative entities. As 3 out of the 4 federative entities that had not yet removed exemptions

to the prohibition of child marriage had had recent changes in government, work to ensure harmonization should resume in the near future. However, prohibition alone was insufficient; policies and initiatives to nurture cultural change, such as awareness-raising campaigns, were needed. For example, in the past year, the National Commission for the Development of Indigenous Peoples had reached out to indigenous women and girls via radio broadcasts.

61. **Ms. Luna Ramos** (Mexico) said that the Supreme Court was expected to issue a ruling declaring child marriage to be unconstitutional in the near future. All courts were working to ensure that women's rights were recognized, and were reflected in judgments and decisions. Court officials were receiving training in how to avoid and address sexist attitudes and judges could be disciplined in certain circumstances, including in cases of negligence. More generally, fundamental rights prevailed over customary law.

62. **Mr. Ruiz Cabañas** (Mexico) said that all questions that it had not been possible to answer during the meeting would be answered in writing.

63. **Ms. Eternod Arámburu** (Mexico) said that the Government had made significant progress in implementing its gender equality policy but acknowledged the huge challenges it still faced in eradicating and punishing violence against women and girls. It would continue to shore up its legislative framework so as to guarantee all women's rights. It was aware that the gender equality budget was insufficient, and states needed to invest resources in implementing equality policies and the policy to prevent, eradicate and punish violence against women. It was also aware that improved mechanisms for the advancement of women were needed at all levels of government. Above all, however, it was aware that, without the full participation of women, the country would not advance.

64. **Ms. Gastélum Bajo** (Mexico) said that many women and girls in Mexico did not have a voice, but that the Government would continue working to ensure that their rights under the Convention prevailed.

The meeting rose at 5.15 p.m.